

SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE

Held at: 10.00am on 14 April 2022 at The Memorial Hall, South Downs Centre.

Present: Alun Alesbury, Heather Baker (Chair), Janet Duncton, Therese Evans, Barbara Holyome, Gary Marsh, Robert Mocatta, Vanessa Rowlands, Andrew Shaxson, and Diana van der Klugt.

Officers: Robert Ainslie (Development Manager), Rebecca Moutrey (Senior Solicitor), Robin Parr (Head of Governance), Lucy Howard (Planning Policy Manager) and Sharon Libby (Governance Officer).

Also attended by: Richard Ferguson (Development Management Lead) and Stella New (Senior Management Development Officer)

OPENING REMARKS

407. The Chair welcomed Members to the meeting and informed those present that SDNPA Members had a primary responsibility for ensuring that the Authority furthered the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and would act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

ITEM 1: APOLOGIES FOR ABSENCE

408. Apologies were received from Janet Duncton, Robert Mocatta, and Richard Waring.

ITEM 2: DECLARATION OF INTERESTS

409. Diana van der Klugt declared a public service interest in Agenda Item 8 as a Horsham District Councillor for Pulborough, Coldwaltham and Amberley ward; and also declared a personal interest in Agenda Item 8 as a neighbour of a protected site impacted by the water neutrality issue.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 10 MARCH 2022

410. The minutes of the previous meeting held on 10 March 2022 were agreed as a correct record and signed by the Chair.

ITEM 4: MATTERS ARISING FROM PREVIOUS MINUTES

411. There were none.

ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS

412. The decision Notice had been issued on SDNP/21/02014/FUL – Land at Greenway Lane, Buriton, Petersfield.

ITEM 6: URGENT ITEMS

413. There were no urgent items.

ITEM 7: SDNP/21/06431/FUL LAND NORTH OF A3 JUNCTION THE CAUSEWAY PETERSFIELD, HAMPSHIRE

414. The Officer presented the application, reminded Members of the report, referred to the update sheet and made reference to an online survey that had been circulated on social media which sought to canvas local views about Electric Vehicle (EV) schemes generally. The survey resulted in 1100 responses where an average of 60-73% gave a neutral to positive view for an EV charging centre on the A3. The Officer commented that the survey did not appear to specifically refer to the application site.

415. The following public speakers addressed the Committee

- Maggie Johnston spoke against the application on behalf of Buriton Parish Council
- Jonathan Jones spoke against the application on behalf of the Buriton Village Design Statement Group

- Mr Daniel Drukarz, as the Applicant, spoke in support of the application.
416. The Committee considered the report by the Director of Planning (Report PC 21/22-48), the updates and the public speaker comments and commented as follows:
- Whilst there was a need for EV charging points along major A roads similar to the A3, it was inappropriate for one to be installed between the narrow gap of the urban area of Petersfield and the northern area of Clanfield which comprised of the ridge of the downs and a gap between the downs and Petersfield. No new evidence was provided to justify the development of this site and the National Park (NP) needed to maintain the highest level of national landscape protection.
 - As highlighted by the public speaker, the reflection of the sun from the solar panels and car windscreens could meet the gaze of walkers along Butser Hill. However, efficient solar panels should not reflect light.
 - Whilst initiatives such as this scheme needed to be embraced to increase the availability of EV charging points, and the innovative approach to design was commended, the scheme fundamentally was in an inappropriate location and would not conserve and enhance the National Park.
 - Whilst the design was an excellent concept and there was a biodiversity net gain, the proposals did not appear to be Landscape Led nor meet the first purpose of the National Park.
 - Camouflaging the scheme within the landscape just relied on vegetation.
 - This application had many green credentials; however, it did not meet Policy SD3 considerations regarding major development.
 - Light pollution is a significant issue in this location and if this application was approved there was concern about retaining the International Dark Night Skies status of the National Park.
 - The eco lodges were located next to the A3 which was a noisy A road and would be a disturbance to visitors. The number of lodges and their consequent density was a concern. The application could increase tourism and employment, but would lead to the countryside being unacceptably urbanised.
417. It was proposed and seconded to vote on the officer's recommendation.
418. **RESOLVED:** That planning permission be refused for the reasons set out in paragraph 10.1 of this report and the update sheet.

ITEM 8: SDNP/21/00627/OUT – LODGE HILL EDUCATION CENTRE

419. The Officer presented the report, reminded Members of the report and referred to the update sheet.
420. The following public speakers addressed the Committee:
- Celia Dennis spoke against the application on behalf of Coldwaltham Parish Council
421. The Committee considered the report by the Director of Planning (Report PC 21/22-49) and commented as follows:
- The Chair reminded members that the application had already been debated in considerable detail and a resolution reached by this committee and since nothing had changed since that meeting apart from water neutrality that this decision should be respected. The committee should therefore limit considerations to the matter of water neutrality.
 - Although the public speaker expressed concern about misuse of water neutrality, an S106 agreement would secure water monitored by meters, which would confirm whether water was being used in excess. Natural England had no objection to the scheme on water neutrality and their guidance should be heeded.

- The amendment to the recommendation wording for the S106 to secure an offsetting strategy prior to the commencement of development and obligation to implement the approved strategy was acknowledged. The S106 should also secure ongoing maintenance and monitoring in perpetuity.
- Notwithstanding the Authority's legal advice, some Members were minded to reconsider the whole application, due to concerns that the previous decision to grant planning permission so that finance could be raised by a private organisation was not in line with the first purpose of the National Park.
- A strategy should be agreed between affected local authorities Southern Water and Natural England before decisions on water neutrality were made by the SDNPA, and a precedent should not be set in the absence of any such strategy.
- The proposed water neutrality measures were based on certain energy and water efficient appliances being installed into the houses, however, human behaviour could not be factored into these measures.
- Paragraph 8.10 referred to the onsite mitigation of rainwater harvesting to service washing machines. What happened when there was insufficient rainwater as was the case during 2021-22?
- Paragraph 8.11 stated that the offset was being addressed by "... *time-controlled push button shower taps, and motion sensor detection on urinal flushes...*" being installed at Lodge Hill. As the development was to raise money for ongoing maintenance, this would be impacted by the cost of installing these additional mitigation measures.
- The programme of maintenance works was set out in the Appendix to the September Committee report and the S106 and robust water neutrality conditions would secure the water saving measures proposed.
- At the previous meeting it was agreed that discussions would be had with West Sussex County Council (WSCC) about the amount of overage and whether this could be reduced to ensure the maximum amount of funds were available to Lodge Hill. Had this been discussed with WSCC and could this be reiterated to WSCC?

422. Members were advised:

- The S106 was being drafted and details of monitoring could be included.
- The applicant had demonstrated that they had more than mitigated and offset water usage by retro-fitting the wider Lodge Hill estate.
- Members made a recent decision to approve the application, having considered the application, listened to public speakers including the applicant and debating as a committee. Had it not been for the water neutrality advice of Natural England the decision would have been issued.. Nothing else had changed in terms of policy or the information before Members, other than the issue of water neutrality.
- The SDNPA is the competent authority, just as other local authorities were outside of the National Park, and the SDNP is working strategically with other local authorities on the issue of water neutrality. The authority was confident that the measures in the report were robust and no concerns had been raised by Natural England. There was also a positive aspect to the water neutrality issue, as the developer was able to update the accommodation to use less water.
- Discussions had been held between WSCC and the Authority at a high level about the matter of overage, but the outcome of the discussions was unknown.

423. It was proposed and seconded to vote on the officer's recommendation.

424. **RESOLVED:**

1. That permission be granted subject to the conditions set out in paragraph 10.1 of the report and a legal agreement, the final form of which is delegated to the Director of Planning, to secure:
 - i) Proceeds from the sale of the land for essential maintenance works to the Centre;
 - ii) A water neutrality offsetting strategy to be submitted and approved in writing prior to commencement of development along with an obligation to implement the approved strategy
2. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the legal agreement is not completed or sufficient progress not made within six months of the Planning Committee meeting of 14 April 2022.

ITEM 9: PLANNING POSITION STATEMENT UPDATE

425. The Officer presented the report.

426. The Committee considered the report by the Director of Planning (Report PC 21/22-50) and commented as follows:

- The report and recommendation was welcomed particularly the allowance of up to 20% of new homes on rural exception sites to be open market. Would land owners be contacted directly about this?
- It was good to see the Corporate Plan being put into action and aiding more affordable housing. How was the number of affordable houses of different tenure calculated?
- What was the definition of small scale for renewable and community led?
- There needed to be more small scale energy projects, as small scale energy projects had been initiated through the creation of climate action networks. Local communities were also interested in small scale energy projects. Were they able to get advice from officers on these?
- Was the Farming in Protected Landscapes (FiPL) programme an interim measure prior to moving to the Environment Land Management Schemes (ELMS). Was there an end point when ELMS took over and should this be reflected in the Planning Position Statement?
- There was a note of concern expressed about comments such as “... *In all our planning projects and programmes we will strive to get the best outcomes for people, and develop opportunities for co-development and design with those communities currently under-represented in our governance and staff structures ...*” and that with these the Authority was drifting away from its statutory purposes and duty.

427. Members were advised:

- The Planning Position Statement would be issued in a variety of ways including the Planning Newsletter, which would enable interested parties, including land owners, to come forward.
- The Local Plan states that the priority tenure for social housing was social rented . This would be considered on a case by case basis and should be community led.
- The definition of small scale was included in the recently published Technical Advice Note, with no threshold on exception sites.
- The take up of small scale energy projects would be interesting and what happened as a result of the Planning Position Statement Update would help form the National Park Authority’s approach in the Local Plan Review. If an energy project was being considered then the SDNPA would provide pre-application advice.
- FiPL was still in place for the next two years. Within that time, the Planning Position Statement would be updated.

- The comments relating to diversity were part of the concept of A National Park for All for all, which was agreed by the National Park Authority (NPA) at its meeting in March 2022 as part of the Corporate Plan

428. **RESOLVED:** The Committee resolved to:

- 1) Approve the Planning Position Statement Update set out in Appendix I for publication subject to any changes proposed by the Committee
- 2) Delegate authority to the Director of Planning in consultation with the Chair of Planning Committee to make any minor changes to the draft Planning Position Statement Update

ITEM 10: STATEMENT OF COMMUNITY INVOLVEMENT UPDATE

429. The Officer presented the report, referred to the update sheet and highlighted an error in on page 116, paragraph 3.11 of the report; that Figure 5.2 should read Figure 3.2.

430. The Committee considered the report by the Director of Planning (Report PC 21/22-51) and commented as follows:

- If the document was approved, would it be sent to Parishes and Authorities in the National Park so they have a record?

431. Members were advised:

- The updated Statement of Community Involvement would be on the SDNPA website, where it would be accessible to all members of the public.

432. **RESOLVED:** The Committee resolved to approve the revised Statement of Community Involvement Document.

433. The Chair closed the meeting at 11:55

CHAIR

Signed: _____

SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE

Held at: 10.00am on 12 May 2022 at The Memorial Hall, South Downs Centre.

Present: Alun Alesbury, Heather Baker (Chair), Therese Evans, Barbara Holyome, Robert Mocatta, Vanessa Rowlands, Andrew Shaxson, and Diana van der Klugt, Richard Waring and Ian Phillips.

Officers: Tim Slaney (Head of Planning), Rebecca Moutrey (Senior Solicitor), Lucy Howard (Planning Policy Manager) Richard Sandiford (Senior Governance Officer), Sharon Libby (Governance Officer) and Jane Roberts (Governance Officer).

Also attended by: Hannah Collier (Senior Planning Policy Officer), Katharine Stuart, (Planning Policy Lead), Kelly Porter (Major Projects Lead)

OPENING REMARKS

432. The Chair welcomed Members to the meeting and informed those present that SDNPA Members had a primary responsibility for ensuring that the Authority furthered the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and would act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

ITEM 1: APOLOGIES FOR ABSENCE

433. Apologies were received from Janet Duncton and Gary Marsh.

ITEM 2: DECLARATION OF INTERESTS

434. There were none.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 14 APRIL 2022

435. The minutes of the previous meeting held on 14 April 2022 were agreed as a correct record and signed by the Chair.

ITEM 4: MATTERS ARISING FROM PREVIOUS MINUTES

436. There were none.

ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS

437. There were none.

ITEM 6: URGENT ITEMS

438. There were none.

ITEM 7: SHOREHAM CEMENT WORKS AREA ACTION PLAN, ISSUES AND OPTIONS

439. The Officer presented the report, reminded Members of the report and referred to the update sheet.

440. The Committee considered the report by the Director of Planning (Report PC 21/22-52), the updates and the public speaker comments and commented as follows:

- How were the four different development scenarios referred to on pages 25-26, paragraph 1.18 of the report derived?
- Page 30, paragraph 2.9 of the report referred to the unmet housing needs of neighbouring authorities; Adur District Council (ADC) and Horsham District Council (HDC). Was any of the housing developed within Shoreham Cement Works (SCW) allocated to these neighbouring authorities to meet this unmet housing need?
- Prior to 2015 the Riverside section of the site was used for storage businesses. Whilst this was not encouraged within the South Downs National Park (SDNP), it was essential

to the needs of the businesses. Where was this space likely to be moved to and was it referred to in the report?

- Concern was raised on scenarios one and two with regards to much needed employment in this area. Were there any employment opportunities in the Leisure Led schemes, or was it just houses and leisure?
- Would the scheme include more traditional employment; was there an option for a more mixed scheme, other than leisure and homes?
- With regards to the housing mix referenced on page 74, paragraph 5.116 of the report, how would the allocation of affordable housing follow the West Sussex County Council (WSCC) cascade model for houses to be allocated or was it possible for a different model to be followed where people within the SDNP were prioritised?
- Concern was expressed on the phrase “very challenging” used on page 75, paragraph 5.120 of the Area Action Plan (AAP) in relation to viability and affordable housing. By stating this in the AAP the Authority could be reducing its ability to negotiate a strong position with regard to affordable housing on this site. Perhaps this wording should be amended.
- Who currently owned the site?
- Was the value of the site known?
- As schools for any development here would be outside the SDNP there was a reliance on WSCC to improve the transport network to get children to and from school. As the developer may be unlikely to support this with the equivalent of a Community Infrastructure Levy (CIL) or S106, would WSCC agree to improve the transport network?
- Had the impact of water neutrality on this development been considered in the long term and the finalisation of the AAP in the short term?
- Would the parish benefit from CIL in this development and would the SDNPA have any influence?
- Production of the AAP was a reflection of the importance of the site. It was subservient to the policy in the local plan and was also a marketing document with the inclusion of issues and options. Feedback was expected from local communities and digital communications was an essential mechanism which reached the broader audience. It was a key site (with key constraints which impacted its viability) for the whole of SDNP and the South of England with the potential to be an exciting development.
- Had the new IKEA development on the A27 been taken into account in the transport assessment?

441. Members were advised:

- Some of the scenarios had been previously tested in the Local Plan which aided this exercise with the requirement of a mixed use site of employment and housing, with different quantum tested. The first two scenarios were similar with the second scenario including more homes. The third scenario was more imaginative with the floor space figures informed by the Eden Project and Zip World in Snowdonia. The figures for the fourth scenario came from the refused appeal schemes as advised the consultants Intelligent Plans run by former Planning Inspectorate inspectors.
- It was understood that housing needs outside of the SDNP were a significant issue and neighbouring authorities would have an interest in the new homes on this site. Discussions would be had with the neighbouring authorities during the consultation, with housing numbers forming part of these discussions. It is likely that statement of common grounds with ADC and HDC will be agreed. It was, however, rare that a planning authority offered housing in its area to meet the housing need of a neighbouring authority.

- The Riverside section of the site provided affordable accommodation for several local businesses. The AAP included a section on the need to relocate of these businesses as they had an important role in the local economy.
 - In planning, employment was defined as manufacturing, warehouse & distribution and offices. However, there were other commercial opportunities in the leisure sector i.e. the Eden Project and Zip World which also create jobs.
 - Appendix two of the AAP provided details of the floor space figures for all the scenarios which included an element of traditional employment in the third opportunity
 - A local cascade system for affordable housing was used by the SDNPA and has been agreed by Members, so the mechanism was in place. Negotiations would determine who would benefit from any affordable housing provision.
 - Viability was discussed at a recent meeting of the Task and Finish Group. The costs were exceptional due to the contaminated land and cost of demolition which, along with vacant building credit, would likely impact the delivery of affordable housing on this site. Whilst the detail in paragraph 5.120 was considered acceptable, the wording would be reviewed and amended in line with this feedback.
 - It was confirmed that the site was owned by Steve Dudman of the Dudman Group.
 - Viability was dependant on what type or level of development would provide a profit and if it was acceptable. Various options were considered to assess what was profitable.
 - The exact value of the site had not been shared by the developer. Therefore, the value of the site was considered by the viability team reviewing an array of scenarios and, due to challenges in accessing the site, was based on a number assumptions and comparisons.
 - Officers at both WSCC and Adur District Council had helped with the transport study and were keen to work with us on infrastructure issues.
 - Water neutrality was a risk for the project and was referenced in the Planning Committee report and the AAP. The SDNPA is working with partners to resolve the water neutrality issue.
 - Upper Beeding had a made Neighbourhood Development Plan (NDP) which referred to but did not allocate SCW as it is a strategic site. Therefore the Parish Council was entitled to CIL at the enhanced rate. Conversations would continue with the parish council around the amount they were likely to receive and what it would be spent on.
442. It was proposed and seconded to vote on the officer's recommendation.
443. **RESOLVED:** The Committee resolved to:
1. Endorse the direction of the draft Issues & Options version of the Shoreham Cement Works Area Action Plan (Appendix 1) subject to any comments made by the Planning Committee being addressed.
 2. Endorse the direction of the digital engagement subject to any comments made by the Planning Committee being addressed.
 3. Note the main issues arising from Sustainability Appraisal (Appendix 2) and Habitat Regulation Assessment Screening Statement (Appendix 3).
 4. Recommend that the Authority approve the draft Issues & Options version of the Area Action Plan for public consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 subject to any minor changes that arise prior to the start of the consultation being agreed by the Director of Planning in consultation with the Chair of the Authority.

ITEM 8: LOCAL PLAN REVIEW AND LOCAL DEVELOPMENT SCHEME

444. The Officer presented the report, reminded Members of the report and referred to the update sheet.
445. The Committee considered the report by the Director of Planning (Report PC 21/22-53) and commented as follows:
- Concern was expressed at a recent Chichester District Council parish meeting that the SDNPA were late in the review of their Local Plan. However, the five year review period was measured from the adoption date of the previous and current Local Plan. Confirmation was required that this review was within the required timeframe.
 - The word “not” was missing from the last sentence of paragraph 2.7 on page 275 of the report.
 - Could Neighbourhood Development Plans (NDPs) be at risk of being unsound due to the change of policies in the new Local Plan?
 - When would SD26, housing policies and allocations be discussed?
 - A Call for Sites was referenced in the report. Would sites for nature based solutions be considered?
446. Members were advised:
- There was a small but acceptable risk that the review of the Local Plan was outside of the timeframe. The award winning plan was adopted in 2019 and it was a collective decision by the Senior Management Team not to start too early, in order to allow time for the policies to bed in and be implemented. It was expected the Local Plan would reach the pre-submission stage in July 2024 where substantial weight would be given to a Local Plan. The driver behind local plans for many local authorities was to meet housing targets, however the SDNPA did not have this same urgency as we do not have to meet our objectively assessed housing need.
 - Policies in NDPs needed to be broadly consistent with strategic policies in the Local Plan, so this was not considered to be a significant risk. However, NDPs did not need to be consistent with development management policies as NDPs had their own development management policies.
 - The report references Member workshops and officers will prepare a schedule of these workshops to address different issues. There will be specific workshops when housing policies and allocations would be discussed.
 - There will be a call for sites which would be discussed at the workshop that followed this meeting. Allocating sites for nature could be part of the Local Plan, however, particularly if they required planning permission.
447. It was proposed and seconded to vote on the officer’s recommendation.
448. **RESOLVED:** The Committee resolved to:
1. Note the purpose, resourcing and risks for the Local Plan Review and associated potential reviews of Neighbourhood Development Plans
 2. Recommend to the NPA that it approves the commencement of the Local Plan Review
 3. Note that a report will be presented to the Authority seeking the virement (budget transfer) of £227K from other Planning Policy budgets to the Development Plan budget in line with the Authority’s financial procedures
 4. Recommend to the NPA that it approves ~~Approve~~ the Local Development Scheme (seventh revision) for the South Downs National Park set out in Appendix I of this report.

ITEM 9: SUMMARY OF APPEAL DECISIONS RECEIVED FROM 1 JANUARY 2022 - 14 APRIL 2022

449. The Officer presented the report and also highlighted a recent appeal decision on an application for 140 dwellings in Lavant, just outside the SDNP boundary, which SDNPA officers had been involved with. The appeal was dismissed on the loss of the gap between Chichester and Lavant and the transition to the National Park would be harmful to the setting of the National Park.
450. The Committee considered the report by the Director of Planning (Report PC 21/22-54) and commented as follows:
- There was a change in the Queens Speech, on 11th May 2022, to Judicial Reviews to make them easier, which had now been cancelled.
 - Planning Application SDNP/21/01457/HOUS and Appeal Reference Number APP/Y9507/W/21/3286422 on page 308/309 of the report was referenced and it was noted that there must be many applications which were of “private benefit”.
 - There was a risk of paying awards of costs if an application was turned down, and went to appeal and was subsequently lost. The report referred to 20 appeal decisions, seven were granted, but there was no awards of costs against the authority. Were there any lessons to be learned from this?
 - Concern was expressed on Planning Application APP/Y9507/C/21/3284029/SDNP/21/00622/HOUS/ APP/Y9507/C/21/3279810, and the Inspectors thought process towards Dark Night Skies. Had this approach been applied in Buriton, the Dark Night Skies status may have been severely impacted.
451. Members were advised:
- The various bills of the Queens Speech had not been released in detail. The Levelling and Regeneration bill was only released at 15:30 yesterday 11 May 2022, and it was understood that the opportunity to make Judicial Reviews easier had been dropped.
 - The specifics of this appeal were regarding replacement windows in a conservation area. The applicant presented an argument that the environmental and other benefits of UPVC windows should override the conservation area reasons for refusal. The inspector acknowledged there could be some environmental benefits, but that there were very specific private benefits to the resident of that house.
 - Where possible the Authority sought to avoid award of costs and ensured the reasons were clear to the appellant and inspectorate. The responsibility was on the appellant to apply for costs and to demonstrate unreasonable behaviour by the SDNPA. the authority was set up in planning terms, a fund was established for appeals, so the burden of costs was minimal. The Authority guarded against costs; but worked with members to enable the necessary decisions.
452. **RESOLVED:** The Committee resolved to note the outcome of appeal decisions.
453. The Chair closed the meeting at 11:30

CHAIR

Signed: _____

