

SOUTH DOWNS NATIONAL PARK AUTHORITY

AUTHORITY MEETING

Held at 1.00pm on 12 December 2023 in the Memorial Hall, South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH.

Present:

Vanessa Rowlands (Chair), Alun Alesbury Heather Baker, Annie Brown, Tim Burr, Antonia Cox, Debbie Curnow-Ford, Chris Dowling, Janet Duncton, Mark Fairweather, Joan Grech, Melanie Hunt, John Hyland, Maggie Jones, Robert Mocatta, Jerry Pett, Steven Ridgeon, Andrew Shaxson, Daniel Stewart-Roberts, Vicki Wells and Stephen Whale.

South Downs National Park Authority Officers:

Trevor Beattie (Chief Executive), Andrew Lee (Director of Countryside Policy and Management), Tim Slaney (Director of Planning), Louise Read (Monitoring Officer), Nigel Manvell (Chief Finance Officer), Lynne Govus (Head of Finance and Corporate Services), Claire Kerr (Countryside and Policy Manager), Mike Hughes (Major Planning Projects and Performance Manager), Mark Alden (Nature Based Solutions Manager), Cath Jackson (Strategy Lead – Nature Recovery), Lynsey Robinson (Ecology Planning Lead), Claire Tester (Planning Policy Manager), Richard Sandiford (Head of Governance) and Richard Fryer (Senior Governance Officer).

CHAIR'S OPENING REMARKS

116. The Chair welcomed all present and informed them of general housekeeping matters.
117. Members and members of the public were reminded 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

118. Apologies were received from Peter Diplock, Theresa Fowler, Gary Marsh and Stephen McAuliffe.

ITEM 2. DECLARATION OF INTERESTS

119. The following declarations were made:
- Debbie Curnow-Ford declared a public service interest in Agenda Items 8 and 10 as a Hampshire County Councillor.
 - Chris Dowling declared a public service interest in Agenda Item 8 as an East Sussex County Councillor.
 - Janet Duncton declared a public service interest in Agenda Item 8 as a West Sussex County Councillor
 - Joan Grech declared a public service interest in Agenda Item 9 as the Ward District Councillor.
 - Maggie Jones declared a public service interest in Agenda Item 11 as an active member of a political party.
 - Robert Mocatta declared a public service interest in Agenda Items 8, 10 and 11 as a Hampshire County Councillor.
 - Steven Ridgeon declared a public service interest in Agenda Item 10 as an East Hampshire Parishes councillor.

ITEM 3. MINUTES OF PREVIOUS MEETINGS HELD ON 19 OCTOBER 2023

120. The minutes of the Authority meeting held on 19 October 2023 were approved as a correct record subject to the following amendment:

- Item 3, Minute 88, Adam ‘Coxon’, amend spelling to Adam ‘Coxen’.

ITEM 4. URGENT MATTERS

121. There were none.

ITEM 5. PUBLIC PARTICIPATION

122. There was none.

ITEM 6. AUTHORITY CHAIR UPDATE

123. The Authority Chair introduced the report (NPA23/24-16).

124. Members made the following comments:

- It would involve significant resources for the Authority to fully engage with the plethora of partner organisations.
- Paid tribute to the contributions of William Meyer as both a Member of the SDNPA and a Director of South Downs Commercial Operations Limited (SDCOL).

125. **RESOLVED:** The Authority noted the update from the Chair of the South Downs National Park Authority.

ITEM 7. CHIEF EXECUTIVE’S PROGRESS REPORT

126. The Chief Executive introduced the report (NPA23/24-17) and provided the following updates:

- The precise basis of the funding announced in the Government response to the Glover review was still to be confirmed but the Authority was scheduled to receive £500,000 as a one-off capital payment.
- The Authority, as the newest National Park, was keen to provide input into the creation of a new National Park that was announced.
- The strengthened Section 62 Duty “to seek to further” would come into force on 26 December 2023, and Defra intended to introduce interim guidance early in the New Year.
- Defra announced on 11 December unlimited penalties to those who pollute the environment, “through the launch of the Water Restoration Fund, the money raised from penalties imposed on water companies will go towards restoring and protecting our waters.” The specific details of how this would work were still unclear.

127. Robert Mocatta joined the meeting.

128. Members made the following comments:

- Members expressed ongoing concern with Byways Open to All Traffic (BOATs) in the Hampshire area of the SDNP and feared that they continued to encourage abuse of the Rights of Way (RoW) network. County Councils were facing the implications of more BOATs being created. Significant investment had been made in upgrading the South Downs Way in an area that could be at risk by vehicular use. If RoW were damaged the user should be responsible for repair, not relying on the Public Purse for making good. Could the Authority protect the money it had spent on this amenity?
- With regard to ‘carefully targeted local actions to protect sensitive areas’ was this an area the SDNPA could become more involved with, given the Authority’s focus on

Nature Recovery as opposed to the much broader remit of County Councils. Was there more that could be done, especially with BOATs and National Trails that are within Protected Landscapes?

- Noted the delicate balancing act for Counties between the rights of the green lane associations and the need to ReNature and the impact the strengthened Section 62 duty should have on these decisions.
- Pleased with the good news stories about the Dark Skies festival and Pyecome Golf Course.
- Agreed with the joint commissioning of the Partnership Management Plan by the South Downs Partnership and the SDNPA.
- Pleased to see consideration continued to be given to Centurion Way going through the tunnels.
- Keen for consideration to be given to potential unintended consequences of removing structures from the River Rother.
- Excited to see the Generation Green funding and looked forward to seeing how it would evolve.
- Was the Authority aware of the correspondence in the press around the new National Park and the status of the SDNP, and did it take any actions because of it?
- Pleased to see the return of the Design Awards.

129. Members were advised:

- The Government's statement on BOATs aligned with the SDNPA's approach and supported the current framework of responsibilities being the correct one. Where there was a prospect of being able to recover money, the Authority would pursue, but the Authority lacked the enforcement powers that others had and it was often very difficult to identify which user had caused damage.
- The Hampshire County Council RoW team had contributed to a workshop and subsequent NPA meeting where there was detailed legal advice and an extensive discussion of the issues around BOATs. What had changed since then was the strengthened Section 62 duty so the Authority could expect more proactive action from the Counties.
- The new Management Plan was an opportunity to revitalise that process and the Authority was keen to bring Members and the Partnership together on a number of occasions.
- There were 14 structures that impeded the flow of the Rother, all were the subject of conversations between interested parties. None were straightforward for removal but the trend was to remove where possible.
- Members would be kept updated on Generation Green, which was being delivered by the Access Unlimited coalition. Defra had requested that the partnership be extended to include National Landscapes.
- The Authority was aware of the letters page exchanges in the press on a new National Park. The policy was to not respond to such exchanges.

130. **RESOLVED:** The Authority noted the progress made by the South Downs National Park Authority (the Authority) since the last report.

131. Vicki Wells briefly left the meeting.

ITEM 8. NATURE RECOVERY PROVISIONS OF THE ENVIRONMENT ACT 2021

132. The Countryside and Policy Manager introduced the report (NPA23/24-18).
133. The Chair of the Policy and Resources Committee reported that the Committee had a long and extensive discussion on the three key aspects of the paper and had interrogated the Conservation Covenant Agreements (CCA). The Committee had concluded that this could be a very valuable tool that would complement the Authority's section 106 powers, aligned with Green Finance work and fully and unanimously supported all of the recommendations.
134. Members made the following comments:
- Would be surprising and disappointing if the Authority chose not to become a Responsible Body. The new power should not be onerous to the Authority.
 - Were Officers satisfied that the Responsible Authorities were taking reasonable steps to involve all supporting authorities?
 - Wanted the Authority to discharge the CCA responsibility proactively rather than passively to stimulate interest in this facility.
 - Lots of land was privately owned and delivering for nature through projects such as beelines, changing chalk and FiPL, but was it counted in the 30 x 30 national reporting if it was not tied down through a legal agreement?
 - Delivery by landowners would depend on the tax treatment of these initiatives, which were currently unclear.
 - Important to be clear on the role of tenants in CCAs, given the number of short term tenancies and grazing licences within the Park.
 - Experience had shown that enforcement was usually more difficult than expected. Were Officers confident the Authority could do the necessary monitoring if CCAs proved popular?
135. Members were advised:
- The SDNPA was actively working with the Responsible Authorities, sitting on the Hampshire Local Nature Recovery Strategy (LNRS) steering group and the Sussex working group and supporting authority group. There was good communication and Officers were aware of and monitoring capacity issues.
 - Responsible Body status would enhance the Authority's reputation in Green Finance and enhance the work with landowners to deliver with them, and for them, a supplementary income stream during a financially precarious period as well as securing new space for nature.
 - The Authority would need to go through the application process to become a Responsible Body before decisions could be made on how best to use that power. Currently no other local authority in Sussex was applying to become a Responsible Body so there may be opportunities to work with partner authorities using this power.
 - Essential that counting was done through a repeatable and transparent process. Defra note that new contributions to the 30x30 target would be made on a voluntary basis. The Authority's targets were framed differently to the 30x30 target framed by Defra and the International Union for Conservation of Nature (IUCN) so may need to be revisited to make them directly comparable. There would always be activity outside of the Authority's ability to monitor and report on in the Nature Recovery Log.
 - CCAs were most effective where landowners wanted to place restrictions on how the land was managed in the long term, whereas section 106 agreements were a more enforceable tool for buying offsets.

136. **RESOLVED:** The Authority:

1. Noted and welcomed the SDNPA taking forward the provisions of the Environment Act 2021 in support of nature recovery action;
2. Noted and welcomed the Authority's role as a Supporting Authority in relation to Local Nature Recovery Strategies, under The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023;
3. Delegated authority to the Chief Executive, in consultation with the Chair of the Authority and the Chairs of the Authority's Planning and Policy & Resources Committees, to:
 - a) Approve and submit a response to the Responsible Authority on any pre-consultation draft of a Local Nature Recovery Strategy within 28 days as required by the Authority's role as a Supporting Authority under The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023;
 - b) Consider the pre-publication draft of any Local Nature Recovery Strategy and, if the Chief Executive considers that the a draft strategy cannot be justified based on the results of the consultation or that it is materially deficient, to submit a publication advisory notice to the Responsible Authority within 28 days, as set out in regulation 15 of The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023; and,
4. Noted that any response or notice submitted under these delegations pursuant to recommendation 3 shall be reported to the next meeting of the National Park Authority after the response or notice has been submitted.
5. Agreed that the Authority apply to Defra to be designated as a Responsible Body for Conservation Covenant Agreements, pursuant to part 7 of the Environment Act 2021, as an important additional tool to support nature recovery in the South Downs National Park.

137. Janet Duncton left the meeting.

ITEM 9. RAMPION 2 OFFSHORE WINDFARM

138. The Major Planning Projects and Performance Manager introduced the report (NPA23/24-19).

139. Members made the following comments:

- What did the red line tributaries on the map in Appendix B p121 represent?
- Could views of the proposed development be supplied from viewpoints across the park.
- Specification was important when addressing onshore mitigations and a duty to manage to ensure that any planting was successful.
- Concern for disruption of the seabed and learning from Rampion 1 where trenches may not have been backfilled correctly. Was the Authority working with the Marine Management Organisation (MMO)?
- Concern was expressed over the archaeological impact, specifically the Blackpatch site.
- Why did the cabling need to go through the National Park to Bolney given the number of dwellings on the South Coast?
- Why couldn't the applicant use the Rampion 1 route?
- 10% Biodiversity Net Gain (BNG) was the mandatory minimum, so was there any mitigation at all? Given the amount of damage being done to the landscape and that a

National Park had the highest level of protection, shouldn't the Authority be looking for a much more significant contribution?

- Had the Authority learnt enough lessons from the Rampion 1 process, such as a contractor going bankrupt at a critical moment? What assurances had they provided that they could deliver on their promises?
- Was there a justification for the increase in the size of the turbines?
- What was the results of the public consultation?
- Given the 30 year lifespan of this scheme, what would happen to the cables at that time?
- Section 102 of the Environment Act referred to public authorities, and therefore presumably not private companies, but did it apply to the Department of Energy Security & Net Zero?
- The Authority was quite robust in trying to ensure the cabling capacity for Rampion 1 was future proofed, disappointingly for commercial reasons it wasn't. Rampion 1 had good communication and partnership with landowners, Rampion 2 appeared more abrupt and dictatorial. What determined the position of the windfarm turbines?
- No reference in the report to impact on communities, especially during the construction phase. Was that something that would be included?

140. Members were advised:

- The red line tributaries represented a variety of things such as access roads, potential mitigations and minor cabling to substations.
- The applicant's Landscape and Visual Impact Assessment (LVIA) had examined a number of viewpoints and the Authority was doing an additional study to examine the number of RoW which will be impacted.
- There were similarities with the Esso pipeline when considering what could be put back as it was often quite constrained by what was under the ground, which was why mitigation elsewhere was so important.
- The Authority was working with a number of agencies including the MMO.
- The route didn't have to make landfall at Climping or go through to Bolney. The applicant had argued that alternative routes reduced the commercial viability of the project and the Authority was working with them on this as there was concern that they had not done enough to avoid the National Park.
- There would be a reduced impact on the National Park if the route was adjacent to Rampion 1. The applicant's rationale was that Rampion 1, the cable corridor and the sub-stations, were at full capacity.
- 10% BNG was not yet mandatory for Nationally Significant Infrastructure Projects (NSIPs) Officers were concerned the applicant was confusing BNG with mitigation for the harm caused.
- The Authority was being robust in its response because of the experience with Rampion 1 and other NSIPs. The Authority would seek contributions towards monitoring costs, the Authority could not gain contributions towards enforcement from a Development Consent Order (DCO) although it would be responsible for enforcement.
- Turbine size was increasing all the time as they became more efficient.
- The public consultation was generally balanced, with concern expressed over the impacts but also support for renewable energy provision.

- The stated intention was to leave the cables in the ground once the windfarm was decommissioned as the cabling would be too expensive to remove (and cause further environmental harm).
- The intention was that the section 62 duty would apply to statutory undertakers, and civil servants had confirmed that it would also apply to government departments. When it came into force its potential scope was very broad but until the accompanying Statutory Instrument was in place its precise scope was unconfirmed and the interim guidance may note that government departments were excluded.
- The route within the National Park generally avoided residential areas and the impact would largely be temporary during the construction phase but it was agreed that the Authority would need to reflect the impact on communities in the submitted Written Representation.

141. **RESOLVED:** The Authority:

1. Provided comments on and agreed the proposed Written Representation, set out in Appendix 1, to be submitted as the Authority's Written Representation to the Planning Inspectorate (in accordance with the timescales to be confirmed by the Planning Inspectorate) and;
2. Noted the contents of the Local Impact Report to be submitted to the Planning Inspectorate as set out in Appendix 2.

142. Mark Fairweather left the meeting.

143. Annie Brown, Maggie Jones and Stephen Whale temporarily left the meeting.

ITEM 10. HAMPSHIRE JOINT MINERALS AND WASTE PLAN 2040 – REG 19

144. The Planning Policy Manager introduced the report (NPA23/24-20).

145. The Chair of the Planning Committee reported that the item had been discussed at the Committee and they were happy to recommend it for approval.

146. Members made the following comment:

- Why was the Avington oil and gas site a reserved site on the proposed plan?

147. Members were advised:

- Historically the Avington site had been allowed on appeal and so had been rolled over onto the new plan, but for exploration only not for production. This site did contribute to the discussion on the change in wording for policy 24.

148. **RESOLVED:** The Authority:

1. Approved the consultation draft of the Hampshire Minerals and Waste Plan: Partial Update – Proposed Submission Plan and Policies Map, as set out at Appendix 1 of the report, and its supporting documents, as set out at Appendices 2 and 3, for regulation 19 consultation commencing in January 2024, subject to any minor changes that arose prior to the start of the Regulation 19 publication being agreed by the Director of Planning in consultation with Hampshire County Council and the other Local Planning Authorities jointly preparing the Plan.
2. Delegated authority to the Director of Planning, in consultation with the Chair of the Authority, Hampshire County Council, Portsmouth City Council, Southampton City Council, and New Forest National Park Authority, to make any minor changes arising from the consultation and then submit the Hampshire Minerals and Waste Plan: Partial Update to the Secretary of State under regulation 22 of the Town and Country Planning (Local Planning)(England) Regulations 2012 for examination.

3. Noted that if major changes were required to the Hampshire Minerals and Waste Plan: Partial Update a further consultation and decision by the Authority may be required.

ITEM II. GENERAL ELECTION KEY ASKS

149. The Director of Countryside and Policy introduced the report (NPA23/24-21).

150. Members made the following comments:

- Was this aspiration shared with other National Parks (NPs)? Was what they were doing reflected in this paper?
- Did the SDNPA have a position on the Campaign for National Parks (CNP) call for a citizen assembly as part of the call to give National Parks back to the nation?
- Supported the infographic provided (Appendix 3) but getting the phrasing correct was important.
- What was meant by the basis for ‘SDNPA advocacy work’?
- Was there scope for the Protected Landscapes Partnership (PLP) to take a lead on this partnership working, and explore private financing to fund these trials?
- In Relation to Ask 3:
 - Was the Authority asking for a transfer of freehold title for National Nature Reserves (NNR)?
 - There were 8 NNRs in the SDNP, 4 in Hampshire, 2 of which were owned and run by Hampshire County Council and 2 by Natural England and 4 in Sussex, 3 of which were run by Natural England and 1 by East Sussex Wildlife Trust. It was understood that Hampshire County Council (HCC) may be exploring transferring the running of a NNR to a wildlife trust because of resource limitations. How would the Authority manage these relationships with partners if asking to take over the running of these NNRs to avoid conflict?
- In Relation to Ask 4:
 - The public health budget was potentially contentious, with the County Council retaining statutory responsibility for delivery but losing part of their budget.

151. Members were advised:

- Other NPs were preparing similar reports, but the SDNPA was the first to take it forward for approval. Each NP had its own priorities, several were focussed on the Right to Roam. NPE would also be producing election asks of its own but that would be at a more strategic level. Each Park was matching similar priorities within the context of their landscape and environment.
- The CNP report was provided for reference. The SDNPA supported the spirit of the call for wider public participation through initiatives such as the Youth Forum, Volunteer Forum, Co-opted members of the P&R Committee, and the South Downs Partnership.
- The precise wording and formatting could be fine-tuned. There was a balance to be struck between caveating and clarity of messaging. This was about getting better value for money from existing spending and better outcomes for the Authority and its partners. Nothing here changed the partnership ethos of the SDNPA, it enabled all sides to focus on their key duties.
- Advocacy work meant the key consistent messages to use in meetings, where relevant, by Members, officers and volunteers.

- PLP would have a role in future election cycles but didn't formally exist or have a chair, and the Authority was still awaiting further clarity from Defra on the PLP.
- The Authority needed to be clear on its needs and wants, because if it didn't advocate for the National Park, no one else would.
- In Relation to Ask 3:
 - Transfer of title was complicated as some of these sites were leased eg: Lullington Heath was owned by South East Water. The Authority was attempting to obtain gold standard management of NNRs.
 - Ask 3 was only in regard to publicly managed NNRs, so would not include ones like Ebernoe Common. The Authority was talking with Natural England and HCC to work with them, not in opposition to them.
- In Relation to Ask 4:
 - The wording of Ask 4 was changed following discussion at the October meeting to reflect sensitivity on this issue. The public health budget was under huge pressure, and the Authority was seeking to deliver improved health outcomes in an innovative way for them through a pilot project. The SDNPA had good relationships with the Public Health teams at County level and GPs were happy to socially prescribe, but often had nowhere to prescribe them to.

152. Maggie Jones left the meeting

153. **RESOLVED:** The Authority:

1. Approved the five Revised Key Asks set out in this paper and Appendix I;
2. Approved the use of the Key Asks and surrounding narrative as the basis for SDNPA advocacy work ahead of the next General Election.

ITEM 12. AUTHORITY GOVERNANCE MATTERS

154. The Chair paid tribute to Trevor Beattie's long career in public service.

155. The Chief Executive introduced the report (NPA23/24-22) and informed the Authority by way of update that Natural England had confirmed that they did not need to be consulted regarding interim appointments, only permanent ones.

156. The Monitoring Officer explained the amendment to recommendation 1 due to the updated response from Natural England, removing 'Delegate authority to the Chief Executive, in consultation with the Chair of the Authority' and 'subject to the consultation with Natural England' and instead recommending the Authority made the interim appointment itself.

157. **RESOLVED:** The Authority:

1. Appointed the current Director of Planning, Tim Slaney, as Interim Chief Executive, Head of Paid Service, and National Park Officer for the period from 1 January 2024 until the beginning of the first working day of the permanent Chief Executive on the terms and conditions to be agreed by the Appointments, Management and Standards Committee pursuant to Appendix 4 of Standing Orders for Regulation of Authority Proceedings and Business;
2. Noted that all matters in relation to the employment of the Interim Chief Executive are delegated to the Appointments, Management and Standards Committee, as set out in the Authority's Standing Orders;
3. Noted that the matter of timing and process leading to the appointment of the permanent Chief Executive will be considered by the Appointments, Management and

Standards Committee and reported back to the National Park Authority for decision;
and,

4. Amended the membership of the Appointments, Management and Standards Committee until the Authority AGM in 2024 as set out in Appendix I of this report.

ITEM 13. PLANNING COMMITTEE MINUTES

158. Authority Members noted the minutes of the Planning Committee meetings held on 14 September and 12 October 2023.

ITEM 14. POLICY & RESOURCES COMMITTEE MINUTES

159. Authority Members noted the minutes of the Planning Committee meeting held on 21 September 2023.
160. The Chair closed the meeting at 15.24pm.

Signed _____