

Appendix I – Information concerning consideration of applications before committee

Officers can confirm that the following have been taken into consideration when assessing the application:-

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and the Vision & Circular 2010

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Major Development

Paragraph 183 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 183 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

The decision as to whether the proposal was Major Development was made when planning permission was granted at the Outline stage. This concluded it was Major Development and overall it was considered that the three tests of Major Development as set out in paragraph 183 had been met for this allocated site.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The application for Outline Planning Permission to which this Reserved Matters application relates was supported by an Environmental Statement, as the proposal fell within the definition set out in Schedule 2 – Infrastructure Project, 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. There has been no material change in circumstances since the consideration of this permission that would require an update to any of the chapters of the Environmental Statement. Therefore, a further EIA is not required. The applicant has provided a suite of supporting documents commensurate to the consideration of this Reserved Matters application, which takes into account the conclusions of the Environmental Statement.

The Conservation of Habitats and Species Regulations 2017

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

Relationship of the Development Plan to the NPPF and Circular 2010

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The South Downs National Park Partnership Management Plan 2019-2025

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans “contribute to setting the strategic context for development” and “are material considerations in making decisions on individual planning applications.” The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.

South Downs Local Plan

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

All policies of the South Downs Local Plan which are of relevance to this application

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 – Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD12 – Historic Environment
- Development Management Policy SD15 – Conservation Areas
- Development Management Policy SD16 - Archaeology
- Strategic Policy SD17 - Protection of the Water Environment
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes

- Development Management Policy SD21 - Public Realm, Highway Design and Public Art
- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD26 - Supply of Homes
- Strategic Policy SD27 - Mix of Homes
- Strategic Policy SD28 – Affordable Housing
- Strategic Policy SD45 - Green Infrastructure
- Development Management Policy SD46 – Provision and Protection of Open Space, Sport and Recreational Facilities and Burial Grounds / Cemeteries
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Strategic Policy SD49 - Flood Risk Management
- Development Management Policy SD50 - Sustainable Drainage Systems
- Development Management Policy SD54 - Pollution and Air Quality
- Allocation Policy SD76 – Land at Old Malling Farm, Lewes

All Relevant Policies of the Lewes Neighbourhood Development Plan (LNDP)

- LE1 – Natural Capital
- LE2 – Biodiversity
- HC3A – Heritage Protection of Landscape and Townscape
- HC3B – Planning Application Requirements and Heritage Issues
- PL1A – General Housing Strategy
- PL2 – Architecture and Design
- PL3 – Flood Resilience
- PL4 – Renewable Energy and the Resource and Energy Efficiency of New Buildings
- AM1 – Active Travel Networks
- AM3 – Car Parking Strategy
- SS2 – Social and Civic Spaces
- SS3 – Protection and Enhancement of Green Spaces

Policy Documents (SPDs and TANs) which are of relevance to this application

- Design Guide, Supplementary Planning Document – adopted July 2022
- Dark Skies, Technical Advice Note Version 2 – May 2021
- Parking for Residential and Non-Residential Development Supplementary Planning Document – adopted April 2021
- Sustainable Construction Supplementary Planning Documents – adopted August 2020
- Affordable Housing – Supplementary Planning Document – adopted July 2020
- Biodiversity Net Gain, Technical Advice Note – March 2024
- Ecosystem Services, Technical Advice Note

Human Rights Implications

These planning applications have been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Equality Act 2010

Due regard has been taken within this application of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

Crime and Disorder Implication

It is considered that the proposal does not raise any crime and disorder implications

Community Infrastructure Levy

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.