

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.

S245 of the Levelling Up and Regeneration Act 2023

Section 245 of the LURA 2023 amends and strengthens the Section 11A (2) duty of the National Parks and Access to the Countryside Act 1949 upon relevant authorities, which includes the National Park Authority itself, to “seek to further the specified purposes of Protected Landscapes.”

The Government’s ‘Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes’, published 16 December 2024, sets out that this duty is active not passive and that, as far as is reasonably practicable, ‘relevant authorities should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes.’ It is therefore incumbent on the National Park Authority, as the Local Planning Authority, to give significant weight to the S.245 duty when determining applications.

National Planning Policy Framework and the Vision & Circular 2010

The National Planning Policy Framework 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 176 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 190 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 190, 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.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 190 is undertaken in the Assessment Section of the main report.

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

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is required and an Environmental

Statement was submitted with the Application.

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 occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is required and has been carried out as part of the consideration of this application. The findings are located in the main assessment of the report.

Local Nature Recovery Strategy (LNRS)

A draft LNRSs is being prepared by Hampshire County Council. Planning Practice Guidance has been expanded to set out the legal requirement created by the Environment Act 2021 for LPAs to “have regard” to LNRSs. The Local Nature Recovery Strategy (LNRS) is a material consideration especially where the development plan pre-dates the publication of a LNRS. In this case, the Hampshire LNRS is at an early stage and not yet been subject to statutory public consultation. It is therefore afforded limited weight.

Relevant legislation for heritage assets

Section 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 relates to conservation areas. It requires “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 2020-2025

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

All Relevant Policies of the South Downs Local Plan which are of relevance to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Core Policy SD3 – Major Development
- 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
- Development Management Policy SD12 – Historic Environment
- Development Management Policy SD13 – Listed Buildings
- 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 SD22 – Parking Provision
- Strategic Policy SD23 – Sustainable Tourism
- Strategic Policy SD34 – Sustaining the Local Economy
- Development Management Policy SD40 – Farm and Forestry Diversification
- Strategic Policy SD42 - Infrastructure
- Strategic Policy SD49 - Flood Risk Management
- Development Management Policy SD54 Pollution and Air Quality

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.

Proactive Working

In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

