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New National Park Designation - South Downs

The South Downs area has been given national park status almost 60 years to the day since it was recommended, and in the year which sees the 60th anniversary of the legislation which established National Parks. The South Downs, which covers parts of Sussex and Hampshire, was among 12 areas identified for national parks in the 1940s. It covers an area of 627 square miles and is home to around 120,000 people.

A new South Downs National Park Authority is expected to be established by April 2010 and become fully operational a year later. The National Park Authority will become the local planning authority for that area, however, given its exceptionally large population, and the number of local authorities having land within the Park, the Secretary of State takes the view that the South Downs National Park Authority should delegate its development control work so far as possible to its constituent local authorities. The Secretary of State will review such arrangements after a period of time to see how they are working. Since this is a decision for the National Park Authority, the impact on future planning applications made within the National Park boundary is that, there is no absolute certainty on whether the cases will be delegated to its constituent local authorities.

The two statutory purposes of national parks are central to the work of the park authority under the Environment Act 1995:

- conserve of the natural environment including wildlife and cultural heritage;
- access for the public.

Section 62 of the Act also states that, in pursuing the two purposes above, the park authority also has a duty to foster the economic and social well-being of the local community.

As well as reflecting conservation priorities in national park areas, Planning Policy Statement 7 (Sustainable Development in Rural Areas) supplements that, local and regional planning policies should support suitably located and designed development necessary, including the provision of adequate housing to meet identified local needs (section 21). However, if there is a major conflict which cannot be resolved, planning policies and decisions must give greater weight to conservation under the Sandford Principle, bar exceptional circumstances. Section 22 of PPS7 clarifies that it includes major development proposals that raise issues of national significance. That is, development proposals would be subject to rigorous assessment and demonstrated to be in the public interest before being allowed to proceed.

Much of the land within the new park was already protected from development because it was classed as an Area of Outstanding Natural Beauty. The announcement means the area will be given the highest level of protection under the planning system, such that public bodies and others are required to have regard to "National Park purposes" when operating in the area (the so-called "Section 62 duty" as explained above).

Under the 1995 Act, National Park Authority is required to produce a National Park Management Plan, which is the over-arching strategic document for the National Park. All those with interests in a National Park would be required to take account of the Management Plan's vision of the area.

Also, the influence of the proposed National Park boundary is likely to be felt beyond its immediate boundaries. That is to say, when considering planning applications in locations covered and neighbouring areas, it is material consideration to take account of any possible effects upon the National Park.

The new protected area varies slightly from original boundaries drawn up in 2002, but is in line with the planning inspector's recommendations following a 19-month public inquiry. Defra's statement indicates that the national park designation order could not be confirmed until the further consultation had finished and a formal decision had been made on additional

areas. It meant the park would probably not be officially created until early in 2011.

The exact boundary for the national park has been the subject of debate for a number of years. Disputed areas including the Western Weald, Lewes and the village of Ditchling will be included within the park's boundary and largely follow the proposals originally drawn up by the former Countryside Agency (now Natural England) seven years ago.

The inclusion of the Western Weald, lying between Petersfield and Pulborough, had divided people. The area, which is made up of grassland and sandstone forests, was not included in the original 60-year-old report because it was geographically different to the rest of the South Downs.

Another concern is that the extension of the boundary of the proposed park to include Lewes could put a block on long-overdue improvements to the A27.

CgMs are well placed to assist you if you have concerns over the implications of the South Downs National Park. Indeed, we can make representations on your behalf to the consultation on the additional areas. Or more broadly, we can provide market-leading advice on the future implications of the park on your property.

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SOUTH DOWNS NATIONAL PARK

