

# **THE EFFECT OF THE PROPOSED SOUTH DOWNS NATIONAL PARK ON PLANNING DECISIONS IN LEWES DISTRICT**

## **1 INTRODUCTION**

The proposed National Park became relevant to planning policies and decisions when the Countryside Agency signed the Designation Order on 18th December 2002. The District Council have to take account of such an important proposal from the Countryside Agency because it signals the start of expected major changes to the planning regime in Lewes District.

The fifteen local authorities (including Lewes District Council) affected by the proposed South Downs National Park are taking a common approach on how they will treat the Designation Order in their planning documents and in their development control decisions.

## **2 WHAT IS THE PURPOSE OF THE DESIGNATION ORDER?**

The signed Designation Order marked the end of a long period of consultation with local people and is the Countryside Agency's approval for a new National Park to be created in the South Downs. However, there is no absolute certainty about this future event because the Secretary of State for the Environment will have to consider the outcome of a Public Inquiry on the Designation Order before deciding whether or not to create a National Park. We expect that it might take until 2007 or even 2008 before a South Downs National Park Authority could come into being.

## **3 WHY IS THE DESIGNATION ORDER RELEVANT NOW?**

The signed Designation Order is relevant to local authorities, and to many other organisations and individuals, because it is a clear indication by a central government agency that the area meets the criteria for a National Park. This has some immediate implications for the local planning authorities. They have been operating generally restrictive planning guidelines in the South Downs area for many years, but the signed Designation Order places an additional responsibility on their shoulders. From now on, they also have to ensure that none of their planning documents and planning decisions will seriously prejudice the proposed National Park.

#### **4 HOW IS THE DESIGNATION ORDER TAKEN INTO ACCOUNT?**

In essence, the Countryside Agency's proposal for a new South Downs National Park need to be taken into account by the local authorities when they:

- interpret relevant current planning documents,
- prepare new planning documents,
- weigh up all the issues involved when making decisions on relevant planning applications.

#### **5 WHAT AREA IS AFFECTED BY THE DESIGNATION ORDER?**

There are some crucial boundaries to bear in mind when judging the area affected by the proposed National Park:

- boundary of National Park Designation Order,
- boundaries of the two existing Areas of Outstanding Natural Beauty.

The proposed National Park boundary is different from the combined area of the existing Sussex Downs Area of Outstanding Natural Beauty and the East Hampshire Area of Outstanding Natural Beauty (AONB). The proposal covers the majority of the two existing AONBs and some substantial additional areas including the town of Lewes.

The influence of the proposed National Park is also likely to be felt beyond its immediate boundaries, so when considering planning applications in neighbouring locations, we have to take account of any possible effects upon a future National Park.

The Countryside Agency has large-scale maps showing the Designation Order boundary on their website, [www.countryside.gov.uk](http://www.countryside.gov.uk). Large-scale printed maps are also available for inspection at Lewes District Council, Southover House, Southover Road, Lewes.

#### **6 WHAT WILL HAPPEN TO THE EXISTING AREA OF OUTSTANDING NATURAL BEAUTY?**

The Countryside Agency has signed Revocation Orders for the existing Sussex Downs AONB and the East Hampshire AONB. The Revocation Orders will de-designate the AONBs on the same day as a new National Park is established. The two AONBs will cease to exist because the law does not allow them to cover an area of a National Park. It is expected that some minor areas of the two AONBs will not be included within the National Park. The local authorities have started to consider what planning policies should protect any small de-designated remnants of AONBs outside the National Park.

## **7 WHAT EFFECT DOES THE DESIGNATION ORDER HAVE IN PLANNING DECISIONS?**

Uncertainty about the eventual outcome of the Public Inquiry and the Secretary of State's final decision means that the local authorities cannot treat the proposal as a foregone conclusion. It would be improper for the local authorities to prejudge these future events because there is a possibility that it might be detrimental to some planning applicants.

The law requires planning authorities to be guided by their development plans (Local Plans and Structure Plans) unless the policies in their plans are outweighed by "*material considerations*" (see Section 8). The proposed National Park will be treated as a "*material consideration*" by the local authorities but it will not have a great deal of weight in many planning decisions at this early stage in its designation. The proposal will gain weight in future planning decision-making as the designation process progresses further. For example, the proposed National Park would become a much weightier "*material consideration*" in the period between the Secretary of State's confirmation of the Designation Order and the establishment of the National Park Authority.

## **8 WHAT IS A "MATERIAL CONSIDERATION"?**

In planning terminology, the proposal for a National Park is now a "*material consideration*", although many people say a "*relevant factor*" is a more understandable expression. The law requires local authorities to be guided primarily by their development plans (Local Plans and Structure Plans) but also take account of "*material considerations*". In other words, the National Park proposal is now one of possibly several relevant factors that the District Council will weigh-up against the development plan when it makes a decision on a planning application. Also, new planning documents the District Council will have to mention the proposed National Park where appropriate.

## **9 WHAT IS THE RELEVANCE OF A "MATERIAL CONSIDERATION"?**

When the District Council weighs-up all the "*material considerations*" that could influence its planning decisions within the Designation Order boundary, it will apply a sensible interpretation of the relevance of the proposed National Park. For example, the future designation of a National Park as a "*material consideration*" at this stage might be:

- scarcely relevant to a planning officer's decision on a small extension to the rear of a house in the centre of Lewes within the Designation Order boundary. The officer will be much more influenced by the local authority's adopted Conservation Area policies and Local Plan policies.
- marginally relevant to the decision on a proposed conversion of a shop to a house in a sizeable village with two other shops. The village is outside the AONB but within proposed National Park boundary. The Planning

Committee would be guided primarily by a relevant policy in its adopted Local Plan.

## **10 HOW IS PLANNING IN AN AREA OF OUTSTANDING NATURAL BEAUTY DIFFERENT FROM A FUTURE NATIONAL PARK?**

The principal difference is that the local authorities are responsible for planning in an Area of Outstanding Natural Beauty, whereas a National Park Authority is responsible for planning in a National Park and it is likely that the existing local authorities will lose their planning responsibility for the South Downs area if a National Park Authority is set up.

The planning legislation that protects the landscape of AONBs and National Parks is the same. However, the signed Designation Order means that local authorities, plus public bodies and other organisations, now have to take account of “*national park purposes*” (see Section 11) when dealing with the proposed National Park area.

## **11 WHAT ARE “NATIONAL PARK PURPOSES”?**

Put simply, the twin purposes of a National Park Authority are to:

- conserve and enhance the park’s natural beauty, wildlife and cultural heritage,
- promote opportunities for public understanding and enjoyment of the park’s special qualities.

A National Park Authority has a duty to give greater weight to the first purpose should there be any conflict between the two. It also has a duty to seek to encourage the economic and social well-being of the park’s communities. Until a National Park Authority comes into being, these “*national park purposes*” will be open to interpretation by the local authorities. The first national park purpose is identical to the purpose of an AONB, so the local authorities are already used to applying this criterion to planning applications in parts of their areas.

The local authorities do not wish to seriously prejudice the future work of a National Park Authority that could be set up within the next five years. Thus, until a National Park Authority comes into being, the local authorities will have to consider how they take account of “*national park purposes*” in their planning documents and planning decisions.

The designation process is still at an early stage and there is no cast iron certainty that a National Park will be set up in its proposed form. Therefore, the local authorities will take account of “*national park purposes*” when making planning decisions but, usually, will give them little weight in their overall weighing-up of the development plan and all relevant “*material considerations*”.

## 12 HOW COULD IT AFFECT WHERE I LIVE?

There are four possible implications, depending on where you live:

- **If you live within an existing AONB, the chances are that you will be included within the proposed National Park.** The District Council has started to consider the proposed National Park as a “*material consideration*”, in addition to considering all the relevant policies in their adopted Local Plan and other planning documents that affect the AONB. This means that the District Council’s planning officers will seek to identify any relevant “*national park purposes*” that should be included as part of the “*material consideration*”. It is unlikely that the “*national park purposes*” will carry much weight in the planning decision at this early stage in the designation process.
- **You may live in an AONB, but there is a small possibility that you will not be within the proposed National Park boundary.** In this instance, the District Council will carry on using the existing AONB policies in its Local Plan to protect the area because there is no certainty that the proposed boundary will not alter as a result of the Public Inquiry. In addition, the District Council will be starting to consider how its future planning policies should protect your area if it is de-designated when a National Park comes into operation. As a general comment, it is likely that many of these remnants of the former AONBs will be strongly protected in the future because substantial development upon them could seriously affect the neighbouring National Park.
- **If you live outside an existing AONB but within the designated National Park boundary,** the District Council has started to include the proposed National Park as a “*material consideration*” in their plans and planning decisions. There is no absolute certainty that your area will be included in a future National Park so, unless a particular planning application is seen as seriously prejudicial to the proposed National Park, the “*material consideration*” is unlikely to carry much weight in the planning decision at this early stage in the designation process.
- **If you live outside an AONB but close to the designated National Park boundary,** the District Council has started to think about the possibility of creating new policies in the future to reduce any substantial development near to the boundary. Such development could be prejudicial to the future National Park. In effect, the new policies may create a “buffer strip” of protection for the National Park boundary. There is no certainty that the proposed boundary will be ratified by the Secretary of State, so unless a particular planning application is seen as seriously prejudicial to the proposed National Park, the “*material consideration*” is unlikely to carry much weight in the planning decision at this early stage in the designation process.

### **13 WHICH LOCAL AUTHORITIES ARE AFFECTED BY THE PROPOSED NATIONAL PARK?**

Fifteen local authorities have part of their area covered by the proposed South Downs National Park.

**Eleven District Councils:** Responsible for Local Plans and decisions on most types of planning applications except those dealt with by the County Councils.

**Adur, Arun, Chichester, Eastbourne, East Hampshire, Horsham, Lewes, Mid Sussex, Wealden, Winchester, Worthing.**

**Three County Councils:** Responsible for Structure Plans, Minerals Local Plans and Waste Local Plans. Also responsible for decisions on planning applications concerning minerals, waste and the county council's own developments such as schools.

**East Sussex, Hampshire, West Sussex.**

**One Unitary Authority:** Responsible for all types of plans and decisions.

**Brighton & Hove UA**

### **14 HOW IS PLANNING BY THE COUNTY COUNCILS AFFECTED?**

The Designation Order is a similar "*material consideration*" in the planning decision-making by County Councils. For example it will be:

- of minor relevance if a County Council committee considered a planning application for an enlarged chalk quarry within the proposed National Park boundary. The committee would be guided primarily by its Minerals Local Plan policy on mineral extraction in the AONB, but the County Council will also wish to avoid serious prejudice to a future National Park.
- of little relevance to the decision on a planning application by the County Education Department for a temporary classroom in a school located outside the AONB but within the Designation Order area. The County Council committee would look to the development plan for guidance and place little weight on the material consideration of a future National Park.

### **15 HOW UP-TO-DATE IS THIS ADVICE?**

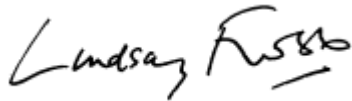
This Guidance Note will be reviewed and modified as soon as there is a significant change in circumstances. Fresh colour-coded editions will be available at your local authority's offices and sent to your Town and Parish Council. Please check with the planning staff at Southover House to ensure you have the most up-to-date copy

## **16 WHERE CAN I GET MORE INFORMATION?**

For more details on the effects of proposed South Downs National Park on your area, please ask the District Council's planning staff (Tel: 01273 471600).

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This Note has only given you a simple picture of some quite complicated legal and administrative changes on the horizon!



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