

## South Downs National Park Public Inquiry

### Part 4: Administration

# Development Control in the South Downs National Park

## Proof of Evidence

*by*



September 2004

## **1 Introduction**

- 1.1 The South Downs Campaign (SDC) has prepared the following proof of evidence, which it submits to the Inspector for consideration in respect of the implementation of the development control function in the South Downs National Park (SDNP). It outlines the SDC's suggestions on how this function can be delivered in a manner which best reflects local circumstances and delivers National Park purposes for the benefit of all those who live in or near, visit or care about the area.
- 1.2 The SDC is a network of organisations working for the best possible South Downs National Park, representing over 90 national, regional and local groups and organisations<sup>1</sup>.
- 1.3 This proof of evidence is part of a series of submissions to the Public Inquiry by the SDC and should be read in the context of the SDC's proof of evidence 'SDC 'In Principle' Support for the South Downs National Park'<sup>2</sup>. The SDC considers that development control is an integral part of the implementation of planning policies and therefore an important tool for delivering National Park purposes, and as such this paper should be read in conjunction with the SDC's proof of evidence 'Forward Planning in the South Downs National Park'<sup>3</sup>.

## **2 Aims and objectives**

- 2.1 The aim of this paper is to propose arrangements that the SDC believes are worthy of consideration when the South Downs National Park Authority (SDNPA) comes to decide how to exercise its statutory responsibility for development control.

## **3 The role of planning in National Parks**

- 3.1 The SDC believes that full development control powers are an essential tool for delivering National Park purposes. Ideally, therefore, the SDNPA would be able to deal with all development control functions itself. However, the SDC is keen that the SDNPA work should strike the most effective balance between planning and its other statutory duties.

## **4 Existing Arrangements**

- 4.1 At present, there are 12 Local Plans, 3 Structure Plans, 3 Waste Local Plans and 3 Minerals Plans which are relevant to and impact upon the designated South Downs National Park. In total, 15 local authorities are involved with planning policy and decision making in the area. As a consequence it is not surprising that there are very different approaches to planning and development control, including enforcement action. Even with fewer plans, having 15 separate and uncoordinated local planning

---

<sup>1</sup> SDC Biography – Inquiry Document No: 3275/1/1

<sup>2</sup> SDC 'In Principle' Support for the South Downs National Park – Inquiry Document No: 3275/3/1

<sup>3</sup> Forward Planning in the South Downs National Park - SDC Proof of Evidence – Inquiry Document No: 3275/37/1

authorities in charge of development control is not a sound basis for achieving consistent and high quality decision making across the South Downs National Park.

## **5 Why it is especially desirable that the SDNPA is the lead planning authority for the Park**

- 5.1 The current arrangements do not lend themselves to achieving an easily understood and consistent approach to planning in the designated South Downs National Park, particularly with so many different authorities in charge of development control in the area. With a National Park Authority all this would change and the focus would be solely on one set of plans led by one decision making authority. This would vastly simplify existing arrangements. This would improve consistency and the quality of planning decisions, helping to better conserve and enhance the South Downs landscape.
- 5.2 The existing arrangements have long been criticised by members of the SDC and others, not least because of the perceived failure effectively to protect the South Downs landscape through the planning process. For example, the Sussex Downs Conservation Board (SDCB) has reported that around 40% of the planning applications within the Sussex Downs Area of Outstanding Natural Beauty to which it objected were subsequently approved by the existing local planning authorities without the SDCB's concerns being fully addressed<sup>4</sup>.
- 5.3 This is one of the main reasons that so many people support the establishment of a South Downs National Park with an independent authority to manage it.

## **6 Transitional Arrangements**

- 6.1 Early consideration, by both DEFRA and local planning authorities, needs to be given to transitional arrangements and how development control is to be delivered in the time leading up to and immediately following the establishment of the SDNPA. This needs to be done with full public consultation.

## **7 Delivering development control in the South Downs National Park**

- 7.1 There are a number of options for delivering development control in the SDNP and it is recognised that the final choice of the SDNPA will require early and regular review in order to ensure it is adopting an approach which delivers the function in an effective, efficient, consistent and accessible manner. Taking these considerations into account, and with a view to achieving National Park purposes, the SDC here outlines its preferred options for delivering development control in the SDNP.

---

<sup>4</sup> See paragraphs 3.2.4 & 3.2.5 and Annexes 4 & 5 of the SDC's proof of evidence 'In Principle' Support Paper – Inquiry Document Nos: 3275/3/1 & 3275/3/3

## 7.2 Development control

**Recommendation 1:** *The SDC believes that the SDNPA should have full development control powers. In view of the likely number of planning applications that the NPA will receive, it is suggested that a scheme of delegation of development control to the constituent local authorities is considered. Any scheme(s) should ensure that National Park purposes are delivered and should optimise the use of the existing local authorities' resources and expertise.*

**Recommendation 2:** *All development control arrangements should be reviewed after 3 years in the light of experience.*

7.2.1 The SDC recognises that there could be benefits to the SDNPA from making good use of the resources and expert knowledge of the existing local authorities through a system of delegation of development control, provided that the SDNPA's overarching duty of delivery of National Park purposes can be met. The SDC recognises that the delegation of the development control function will be at the discretion of the SDNPA but considers that it is worth serious consideration, given the special circumstances surrounding the SDNP and the heavy workload on other vital issues that the NPA will have to address, particularly in its first few years of its existence. However, any scheme of delegation must be carefully designed to deliver National Park purposes. The SDC is aware that the existing local authorities are proposing to recommend a system of delegation to the Inspector during the public inquiry and reserves the right to comment on this once it has been published.

7.2.2 The SDNPA is likely to have a large number of planning applications per annum by comparison with other National Park Authorities. The SDC does not believe this to be a problem per se and considers this to be a particular feature of the South Downs being a lowland landscape in a more densely populated part of the country. However, it does suggest that a different approach may be appropriate in this case.

7.2.3 Given the size and shape of the SDNP, the amount of local authorities and interested parties involved, and the number of members the SDNPA is likely to have, the SDC recommends that the SDNPA makes practical use of the knowledge and expertise of existing local authorities<sup>5</sup> in delivering the development control function.

7.2.4 Whilst recognising that this is a matter for the NPA, as a positive contribution to the debate, the SDC sets out at Annex A its views on the criteria for any scheme of delegation. The SDC would wish to see this reviewed after three years. If at any time a local authority failed to meet the criteria the SDC believes that the NPA should be able to withdraw or amend its delegated powers.

## 7.3 Adequate Resources

7.3.1 Adequate resources will be crucial if the SDNPA is to achieve its role in delivering National Park purposes – the first year's funding will be especially vital, as this will

---

<sup>5</sup> The size of the SDNPA is likely to be around 29 members although under existing arrangements it could be as large as 46 members.

set the baseline for future funding. The SDNPA's planning team must be adequately resourced, both through the National Park Grant settlement (Defra) and the Planning Delivery Grant (ODPM). This is especially important given the large number of planning applications that will be processed and determined in the SDNP, whether there is delegation or not. The Inspector is urged to recommend to the Secretary of State that the matter of funding and resources to be made available for planning is taken into account in sufficient time for inclusion in the relevant government departmental budget.

#### 7.4 Local Access and Accountability

7.4.1 The SDC considers the SDNPA could address perceptions about loss of local access and accountability in planning decisions by following 'best practice' in involving local communities. Some examples of how this could be done are listed below:

- a) establish area-based development control committees to bring decision making closer to the people. If this proves impracticable SDNPA planning meetings should be rotated around the Park so that they are held at a variety of different locations;
- b) there should be public speaking rights for all at the development control committee meetings as per best practice in the existing local planning authorities;
- c) establish local offices, preferably within existing local authorities premises, from which members of the public can obtain advice on SDNP planning applications;
- d) ensure that development control practices followed by the SDNPA are at least as good as the best of those followed by the existing local planning authorities and other National Park Authorities;
- e) maximise the information to be made available on the internet both on development control applications and enable local residents and other interested parties to respond by e-mail to such information;
- f) ensure that any changes in development control procedures brought about by the establishment of the SDNPA are fully publicised and readily understood.

## **8 Recommendations**

8.1 The SDC urges the Inspector to commend the recommendations contained in this document to the Secretary of State to assist in the Government's deliberations on the working of the SDNPA.

## Annex A

### Suggested criteria for a scheme of delegation of development control

- a) Any scheme of delegation must deliver consistent, high quality, decision making and must support the integrity of the plan led system;
- b) Where the SDNPA decides to determine an application itself, there should be consultation with all relevant interested parties, particularly local authorities and the leading National Park society at an early stage including on the use of developer contributions. Wherever possible this dialogue and consultation should be on-going and not considered as a one-off event;
- c) There should be public speaking rights for all at the development control committee meetings as per best practice in the existing local planning authorities;
- d) The SDNPA's chief planning officer should be responsible for the running of the development control system. Any delegation agreements should be done on an authority by authority basis to allow them to be decided individually. There should be an in-built review period to ensure that the delegation arrangements contribute to the achievement of National Park purposes. Should the development control arrangements be found not to be delivering National Park purposes, the SDNPA should bring the development control function back in-house;
- e) Clear criteria should be drawn up in a service level agreement to ensure that any adopted scheme is followed in a consistent way, that it avoids any adverse effect on the integrity of the plan-led system and that it prevents the gradual degradation of the National Park. Such criteria should also ensure that the SDNPA decides for itself and does not delegate to its constituent local authorities any proposals that fall into the following categories:
  - i. major development as determined by the SDNPA;
  - ii. all departures from the Local Development Framework;
  - iii. any development in the view of the SDNPA that would have an adverse effect on the special qualities of the SDNP, such as proposals in rural or open countryside, or could threaten the delivery of National Park purposes;
  - iv. all minerals applications;
  - v. applications for planning permission or other consents in respect of Listed Buildings and / or Conservation Areas which have a significant impact as determined by the SDNPA;

- vi. proposals on land that is, or has recently been, owned by local authorities or in which a local authority has a substantial interest;
  - vii. any other development or category of development that in the SDNPA's judgement could threaten the delivery of National Park purposes;
- f) With regard to developments that affect conservation areas and listed buildings, any delegated arrangements should be closely monitored. Any service level agreements should require that appropriately qualified specialist expertise is always employed in the exercise of planning control functions affecting conservation areas and all listed buildings, irrespective of grade;
- g) In respect of major developments, the SDNPA should take the lead in pre-application discussions in order to:
- i. improve the quality of proposed development prior to applications being submitted;
  - ii. direct developments to appropriate locations; and
  - iii. avoid inappropriate development at an early stage;
- h) A comprehensive training programme for officers and members, both of the SDNPA and of local authorities acting under delegated powers, will be an essential pre-requisite to the achievement of National Park purposes via the planning function. This reflects the fact that whether decisions are made by the SDNPA or by a local authority under delegated agreement, the majority of decisions will be determined by officers;
- i) The responsibility for enforcement should rest with the body taking the decision and should be included in any service level agreements. Enforcement will need to be closely monitored by the SDNPA to ensure consistency across the SDNP;
- j) Wherever retrospective planning applications are refused and the decision is not subsequently fully complied with, enforcement action should be obligatory;
- k) In principle, appeals should be led by the authority that has taken the decision, with input from the SDNPA where necessary, and this responsibility should be outlined in any service level agreements. This will need to be closely monitored by the SDNPA to ensure consistency across the SDNP.