CABINET
WEDNESDAY, 6 TH FEBRUARY 2002.
South Downs National Park,
COUNCIL'S RESPONSE TO PUBLIC CONSULTATION
RON CUSSONS, DIRECTOR OF TOURISM AND LEISURE
NORMAN KINNISH, DIRECTOR OF PLANNING, REGENERATION AND AMENITIES
Meads, Downside and Upperton.
To report to members on the consultation being undertaken by the Countryside Agency on the proposed South Downs National Park and to recommend a response.
Tim Cookson, Head of Planning, Tel: 415249
Mike Smith, Downland Trees and Woodland Manager, Tel: 415273
That Cabinet approve the proposed response to the Countryside Agency's consultation on the South Downs National Park boundary and administration, outlined in this report and the covering letter in Appendix 3.
<u>Introduction</u>

1.1	The Countryside Agency, which is responsible for designating National Parks, has begun the process of creating a South Downs National Park. This is being done in close consultation with others.
1.2	They have two main tasks: Identifying the statutory boundary for a South Downs National Park; Advising the Secretary of State for Environment, Food and Rural Affairs, on the best administrative arrangements for a National Park Authority, in view of the South Downs' special circumstances.
1.3	The public consultation phase began on 27 th November 2001 and comments from individuals, groups and local authorities are being sought by 28 th February 2002. A formal consultation with local authorities will also take place this summer.
2.0	A South Downs National Park - report of the Countryside Agency
2.1.1	Issue 1: Membership of a South Downs National Park The framework for National Park Authority membership is set out in legislation. Under these arrangements, members of a South Downs National Park Authority would be locally elected councillors and people with expertise in and knowledge of both the area and National Park issues. It is likely to have about 46 members. One half plus one (24) would be elected councillors, appointed by local authorities whose areas lie within the National Park. It is understood that Eastbourne would have at least 1 member. The remaining members (22) are appointed by the Secretary of State (10 parish representatives, 12 individuals appointed for their special expertise and experience and to take account of the National Park's purposes). They are usually local people.

2.1.2	Two options are offered:
	Option A – a full National Park Authority – with 46 members would be the largest in England and Wales.
	Some decision making could be delegated to an executive and full use of committees to cover topics important to the Downs.
	Option B – a smaller National Park Authority – this could be achieved if some local authorities agreed to be excluded, or reduced their representation. It may be a more efficient way of conducting the authority's business, but would mean that some authorities would not have a role. It would mean fewer parish and independent appointees.
2.1.3	The Countryside Agency believe that Option A is the best solution because all local authorities would be involved and engaged in the process, and the full range of national and parish interests would be maintained.
2.1.4	Recommended response to membership of South Downs National Park question 1A: That the Council would want a full National Park Authority with local authorities representing over half of the membership to reflect their democratically elected status.
2.1.5	Parish membership The Countryside Agency believes that there should be a locally agreed democratic process for the selection of parish members, to bring forward individuals with appropriate skills from across the area.
2.1.6	Recommended response to question 1B: The approach suggested by the Countryside Agency for selecting parish members is accepted.
2.1.7	Creating a skilled administration The Agency thinks that the authority needs to have knowledge and experience in the following areas: farming, forestry, environmental management, wildlife, cultural heritage, recreation, tourism, community participation and education. The also believe that there should be a formal induction
	process, ongoing training, and a code of practice for all members.

2.1.8	Two options are given for the appointment of representatives:
	Option A – present proportion – more guidance. Existing proportions of individuals and councillors are maintained, but with more guidance given to local authorities and the Secretary of State as to the best balance of interests and expertise for authority membership.
	Option B – new legislation- change proportions. New legislation so that, for example, one half are locally appointed representatives, or are appointed by other bodies, and half are appointed by the Secretary of State.
2.1.9	The Agency believes that Option A is the best solution because the alternative would mean a reduction in the number of elected and community representatives who bring their own expertise.
2.1.10	Recommended response to creating a skilled administration questions 1C/1D/1E: The approach suggested by the Countryside Agency for required knowledge and experience and induction, training and code of practice for members are accepted. The approach suggested by the Countryside Agency i.e. option A – present proportion - for appointment of representatives is accepted.
2.2.1	Issue 2: A role in forward planning and development control Legislation makes National Park Authorities the sole Planning Authority for the area. They have responsibility for preparing development plans (the structure plan, local plan, minerals and waste local plans) and for development control. The Agency recognises that, because of the size and shape of the area proposed for the South Downs National Park, the arrangements may need to be different to the standard arrangements elsewhere. Therefore a series of options are offered for producing the different plans and carrying out development control.

2.2.2	Structure Plans
	Option A – joint structure plans
	Three joint structure plans (one per county) could be prepared jointly by National Park Authority and the current structure planning authorities.
	Option B – National Park Authority structure plan only
	This would reduce joint working to issues that cross National Park boundaries, such as housing and roads, and for a framework for local plans. This could be achieved by close working between neighbouring authorities.
	Option C – joint structure plan – with one existing structure plan authority
	Option D – transfer of responsibility to existing authorities. Option D would mean that the proposed National Park Authority had no say in the planning of the area. Although they no doubt would be consulted on their views.
2.2.3	The Agency believe Option A is the best solution because this would make sure that plans for the National Park and the surrounding areas are not prepared in isolation and achieve sustainable development for the whole area
2.2.4	Recommended response to questions 2A/2B: The approach suggested by the Countryside Agency i.e. option A –joint structure plans – is considered to be the most acceptable of the options given. It is also expected that District/Borough Council's will have a close involvement in helping to develop the strategic policies.
2.2.5	Minerals and Waste Local Plans
	Waste Local Plans set out land use policies for the management and disposal of waste. Minerals Local Plans set out policies for mineral working. They are prepared by the strategic planning authorities (Counties and Unitary authorities) although Borough and District Authorities are consulted in their preparation.

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2.2.6	Option A – minerals and waste local plans prepared jointly
	Three plans prepared jointly between the proposed National Park Authority and the three existing minerals and waste authorities (East Sussex County Council and Brighton & Hove City Council; West Sussex; Hampshire, Southampton City Council and Portsmouth City Council).
	Option B – National Park Authority prepares plans on its own
	Option C – full transfer of responsibility from National Park Authority to existing authorities for minerals and waste local plan preparation for the park area.
2.2.7	The Agency believes that Option A is the best as this is a strategic matter that should be dealt with using a joint approach across boundaries.
2.2.8	Recommended response to questions 2C/2D: The approach suggested by the Countryside Agency i.e. option A –minerals and waste local plans prepared jointly – is considered to be the most acceptable of the options given. It is also expected that District/Borough Council's will have a close involvement in helping to develop the strategic policies.
2.2.9	Local Plans
	Option A - park-wide local plan preparation by the National Park Authority. The park authority would need to address cross-boundary matters, such as housing and roads, by working in conjunction with neighbouring authorities, for example through a joint advisory committee.
	Option B – National Park Authority prepares a plan, no special arrangements to consult. This option does not address the cross boundary issues.
	Option C – a series of up to 12 joint local plans. The Agency considers that this would be extremely inefficient for the National Park Authority, and would risk inconsistencies of policy across the park.
	Option D – transfer responsibility. Transferring responsibility from the park authority would mean that the authority would have no role in local planning for the area, undermining its ability to ensure that national park purposes

2.2.10	The Agency believes that Option A is the best solution because it would ensure a consistent approach to land use planning across the park. The Agency also considers that it would also create a robust policy framework for taking development control decisions.
2.2.11	Recommended response to questions 2E/2F: Option A is considered to be the most efficient and consistent method of preparing local plan guidance for the proposed national park. However, it is considered essential that all District/Borough Councils have membership of an officer working party and a Councillor panel developing a park—wide local plan. The Districts and Boroughs need to have a significant involvement in policy formulation because of cross-boundary issues.
2.2.12	Unitary development plans An alternative to the options set out above for structure, minerals and waste and local plans would be for the National Park Authority to prepare a single unitary development plan.
2.2.13	Recommended response to question 2G: A single unitary plan approach is not considered acceptable because it would not bring the advantages that result from joint planning. It is also likely to be too major an exercise to achieve in a reasonable timetable and could be very resource hungry during certain parts of the process.
2.2.14	Development Control Making decisions on planning applications is the responsibility of all English national parks within their boundaries. Elements of this responsibility can be shared with or delegated to other local authorities but cannot be transferred to other local authorities under existing legislation. On the Eastbourne downland there are only usually one or two planning applications received per year.

2.2.15	The Agency would prefer a National Park Authority to retain responsibility for development control, but should delegate casework to local authorities, which would make decisions in line with structure and local plan policies set or agreed by a South Downs National Park Authority. The Agency believes that the National Park Authority should retain the right to make decisions on major or contentious cases, or those out of line with policy. The degree of delegation would be negotiated and agreed between the park authority and relevant local authorities.
2.2.16	The other two options are: no delegation by a park authority; or a legislative amendment to allow transfer of development control from a park authority to the local authority. In the view of the Agency the latter option would leave the National Park Authority with no statutory role in the process and result in its having no influence, even over major developments.
2.2.17	Recommended response to questions 2H/2I: A transfer of development control powers back to local authorities is the preferred option. Local authorities have the professional expertise in terms of qualified staff with local knowledge to be able to process planning applications in the most efficient and effective manner having regard to public consultation and other material planning implications. Local authorities have for many years provided a good quality service in determining planning applications. Therefore, new legislation is considered necessary to allow for this option. The local authorities would be able to consult with the park authority and keep them informed of progress in determining applications. The park authority would be informed of recommendations in advance of decisions being taken. This would allow a representative of the park authority to make a presentation to a local authority planning committee if it wished to oppose a recommendation made. The park authority would have the option to request that the application be called in by the Secretary of State.

2.2.18	If the Agency proceed with a delegated option to local authorities it is proposed that the casework on all applications is carried out by local authorities that have the expertise and local knowledge. The local authorities staff could then make presentations to the park committee dealing with major or contentious applications or those recommended against adopted policy.
2.3.1	Issue 3: A role in land management How land is managed is critical to conserving the unique landscape and natural beauty of the South Downs. The land is mainly privately owned and managed and this would not change with national park designation.
2.3.2	A Park Authority would need to work closely with those who manage land. Such an Authority would not only have a vital role in conserving the landscape, heritage and rural economy, but also seeking to restore some of the important landscapes and habitats lost over the years.
2.3.3	The Agency consider that the proposed National Park Authority would provide a clear mechanism for discussing and acting upon farming and forestry, nature conservation and cultural heritage issues, for example through panels, a forum or working groups. A park authority could seek to implement relevant local and national Biodiversity Action Plans through land management policies and activities. It would also work closely with other organisations such as English Nature, local wildlife trusts and local authorities. A park authority could play an active role in conserving the cultural heritage, working alongside other organisations, such as English Heritage and the local authorities.
2.3.4	One of the key challenges for a South Downs National Park Authority would be to restore downland and some of the other habitats and wildlife, in partnership with landowners and managers, through positive land management and appropriate agricultural practices. The Agency recognise that restoration will require an integrated approach, meeting environmental, social and economic objectives.

2.3.5	A park authority could:
	- work to ensure that the existing agri-environment schemes in the area are well targeted;
	- run its own integrated rural development scheme to encourage landscape restoration and sustainable farming. This will require a significant and specific budget;
	- offer a park-wide integrated countryside management service, providing a first-stop-shop advisory service for farmers and landowners;
	work with woodland owners to develop integrated management and conservation plans for woodland.
2.3.6	Recommended response to questions 3A/3B: If a Park Authority is created for the South Downs one of its major tasks would be to conserve the unique landscape and natural beauty of the area. However, this should not be at a cost to the social and economic wellbeing of the area. It is considered essential that adequate resources are identified to ensure satisfactory landscape conservation and restoration, sustainable farming and good woodland management.
2.4.1	Issue 4: a role in visitor management
	The proposed authority would work with others to help people understand and enjoy the area without damaging it. A park authority could: provide a fully integrated area-based countryside management service; develop common high standards for the management of publicly owned land, including visitor sites; and manage where appropriate sites such as country parks.

2.4.2	Recommended response to questions 4A/4B: A park authority should provide a fully integrated, area - based countryside management service. Such an authority should develop common high standards for the management of publicly owned land and it could either manage sites on behalf of local authorities or private owners, or work in partnership. A park authority should be able to own land where this is the most effective way to create new public access.
2.4.3	Option A – responsibility delegated by highway authorities
	A park authority would have overall responsibility for rights of way within the park. Powers and
	resources would be delegated to the authority by highway authorities to allow the park authority to be responsible for: keeping the definitive maps under review; making orders altering public rights of way; maintaining the rights of way network; and having responsibility for producing and implementing the rights of way improvement plan.
	Option B – National Park Authority acts as the strategic authority
	Responsibility for rights of way would remain with the highway authorities but a National Park would set the standards by which rights of way are managed. The park authority would not be able to make any improvements to the network.
	Option C – responsibility remains with the highway authorities. The park authority would have no influence over the most significant recreational resource.
2.4.4	The Agency believes that Option A is the best solution, as it would result in common, high standards throughout the park.
2.4.5	Recommended response to questions 4C/4D concerning rights of way: Option A, rights of way responsibilities delegated by highway authorities to the proposed park authority, is considered to be the best option provided that it is adequately resourced.

2.4.6	Transport. The Agency believe the park authority should pay an active role in: preparing local transport plans, working jointly with the highway authorities on policies in the national park, or for surrounding areas that impact upon it; use its own powers to deliver parts of the transport strategy, particularly where related to achieving sustainable recreation (e.g. supporting local bus services); and implementing transport policy on behalf of the highway authority through delegated powers.
2.4.7	Recommended response to question 4E concerning transport: The approach proposed by the Agency is considered to be generally acceptable. However in respect of delivering parts of the transport strategy and implementing transport policy it is assumed that the park authority would not directly institute highway works because of their likely lack of expertise. The park authority should also not extend or supersede the area highway authorities areas of responsibility for highway infrastructure, which would include roads and footpaths.
2.4.8	Tourism. A proposed authority would not be the tourist authority, and would not promote the South Downs to tourists. It would need to work closely with those who cater for visitors and the tourist authorities to ensure that tourism does not conflict with National Park purposes. This could be done by preparing a tourism strategy jointly with tourist authorities.

2.4.9	Recommended response to question 4F concerning tourism: The Council is disappointed that the tourism proposal is so weak given that one of the two statutory purposes of a National Park Authority is to promote opportunity for the public to understand and enjoy a national park. It is understood that other national parks take a more active role in the area of tourism. It needs to be acknowledged that the designation of the National Park will generate more tourism business because it will be used as a marketing tool to encourage visitors to come to the area. Therefore, it is considered vital that a park authority has a stronger role in tourism promotion, including appropriate staff and financial resources to enable it to work effectively with tourist authorities such as the Borough Council.
2.4.10	Education and interpretation. Helping people understand the area would be an important task for a park authority. A park authority could provide the lead in developing the full range of interpretation provision within the park, and would promote best practice. It could also promote community visitor information sites, such as shops and post offices, and improve existing facilities.
2.4.11	Recommended response to question 4G concerning education and interpretation: The approach proposed by the Agency is considered acceptable.

2.5.1	Issue 5: a National Park management plan and delivery by a park authority and others
	Each National Park Authority must produce a management plan that sets out its policies for managing the park and carrying out its functions. The plan co-ordinates the work of the authority and of other agencies and partners, including the private and voluntary sector. Plans are subject to wide consultation. The Agency believes that the proposed authority should monitor its own role in implementing the National Park management plan against annual targets, and should audit the performance of other statutory agencies and local authorities in achieving agreed policies within the plan. The Agency would also like to see the plan's role in influencing policy and programmes of the National Park Authority and other bodies, as they relate to the objectives of National Park designation, confirmed.
2.5.2	Recommended response to question 5A concerning a park management plan: The approach proposed by the Agency is considered acceptable.
2.6.1	Issue 6: working in partnership To achieve National Park purposes, a park authority would need to work closely with local authorities and with statutory and voluntary bodies. The Agency believes that effective partnership working is best achieved through strategic alliances and innovative approaches. Such approaches could include secondments and staff exchanges, as well as local memoranda of agreement or accords.
2.6.2	Recommended response to question 6A: The approach proposed by the Agency is considered acceptable.

Issue 7: involving local people
A park authority will need to involve and consult its local communities and visitors, to take account of the wide range of interests. Local authorities now have a duty to produce community strategies or plans to promote or improve the economic, social and environmental well-being of their areas. A park authority would wish to contribute to the development and implementation of such strategies and reflect them in its own work.
The Agency believes that a park authority should put in place arrangements that will actively involve local people. This could involve: holding a forum or general meeting at least annually, and organise public consultation events for local people to participate in when deciding important issues; communicate clearly through consultations, newsletters and a website; and create partnerships with education authorities, and with users and community groups, to develop opportunities to increase an understanding of the special characteristics and conservation needs of a National Park.
Recommended response to question 7A: The approach proposed by the Agency is considered acceptable.
The Draft Boundary The Countryside Agency has proposed a draft boundary for the proposed South Downs National Park. This has to meet set two criteria relating to natural beauty and recreation.
For natural beauty the factors include: scenic quality, national importance because of its rarity or representativeness, sense of place, conservation interests and unspoilt character.
In terms of recreation the key consideration is whether the area would provide good opportunities for quiet countryside recreation. This means recreation that allows people to enjoy and understand the special qualities of the national park, without damaging it or spoiling other people's enjoyment of it.

The boundary runs close to the western edge of Eastbourne's urban area. It includes most of the Area of Outstanding Natural Beauty but provides a more logical boundary in that few gaps are left between the open downland and existing property boundaries on the edge of the urban area. There are three additional areas adjoining Eastbourne downland, which would be more logical to include within the proposed national park area: northern part of Chalk Farm abutting residential development in Wannock; west of the Combe; and south of Pashley Down School west of Longland Road. There is a small part of Chalk Farm on its northern boundary (appendix 2) with residential property in Wannock that should be included because it is open agricultural land which adjoins the downland. The areas west of the Combe and south of Pashley Down School are small pieces of open ground, which logically form part of the downland.
The coastal boundary is at low water mark although there is a voluntary marine conservation area running along the coast. It would seem logical to include the Voluntary Marine Conservation Area in the proposed area. Although current legal definitions of what can be included in a National Park may mean that new legislation is required. Resources could then be made available to better protect, conserve and monitor its condition over time.
Outside Eastbourne the boundary follows the southern edge of the A27 between Polegate and part of the Firle straight near Middle Farm. West of Glynde the A27 and the railway line to Lewes is included within the draft boundary. It is important that the opportunities for possible further improvements to the main railway line and A27 are not frustrated by a National Park designation. It would be more logical to keep the boundary on the southern side of the A27 throughout the Firle straight.

2.8.7	Recommended response to boundary issue: The proposed boundary is generally considered acceptable within Eastbourne Borough although three further additions are recommended (see Appendix 2): a field on the northern end of Chalk Farm near Wannock; open land west of the Combe; and south of Pashley Down School accessed off Longland Road. In addition, the Voluntary Marine Conservation Area running along the coast should be included within the proposed area. Outside Eastbourne the southern side of the A27 should be used as the proposed National Park boundary between Polegate and road access to Glynde and changes are recommended on the Firle Straight (see Appendix 2). This would provide a clear logical boundary. It is important that the need for possible future improvements to the main railway line and the A27 are not frustrated by a National Park designation and assurances are sought.
3.0	Consultations
3.1	No external consultations were undertaken.
4.0	<u>Implications</u>
4.1	Human Resource: The designation of a South Downs National Park would have minimal resource implications on Eastbourne Borough Council. It would in fact reinforce and support the works of the Downland Team through its Ranger since providing an additional labour and interpretation resource when needed for projects as well as general countryside management issues.
4.2	Environmental: National Park status is a designation equivalent to the current ANOB and would not dilute the high standard already achieved by Eastbourne Borough Council. It would not cancel out any current agreements with DEFRA or English nature and may even amalgamate all the different grant providers into one co-ordinated group for any future grant applications.

4.3	Financial:
	The financing for the National Park is covered by central Government, 75% directly to the Park Authority. The remaining 25% is paid via the local authority, ring fenced within the Standard Spending assessment. This means that in practice there are no additional costs locally. Further partnership funding maybe possible for management, interpretation and investment on Eastbourne Downland.
	The Council would make an annual saving of £10,000, as the annual payment to the Sussex Downs Conservation Board would no longer be required once the Park Authority takes over.
4.4	Youth/Anti Poverty/Community Safety/Human Rights
	None
5.0	Summary
5.1	The Countryside Agency is undertaking public consultation on a proposed South Downs National Park. It is recommended that Cabinet approve the proposed response to the boundary and administration issues explained in this report.
Tim Cookson, Head of Planning and	
Mike Smith, Downland, Trees and Woodland Manaş	ger
Background Papers:	
The Background Papers used in compiling this report w	ere as follows:
"A South Downs National Park", Public Consultation R	eport, Countryside Agency, November 2001.
To inspect or obtain copies of background papers pleas	e refer to the contact officer listed above.
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Summary of administrative issues and questions

Issue 1. Membership of a South Downs National Park Authority

1A. Is the Agency's preferred option the right one for the South Downs?

Do you think the other option would be a better way forward, or are there any other options the Countryside Agency should consider?

- 1B. How do you think Parish members should be selected?
- 1C. What are your views on the Countryside Agency's preferred option to ensure appropriate expertise is appointed to the Authority?

Do the areas of knowledge and expertise set out cover the issues that affect the Downs?

- 1D. Do you believe that mechanisms such as training and a code of conduct for members should be used to ensure that the National Park Authority is properly skilled?
- 1E. What are your views on the other option? Are there any other options the Agency should consider?

Issue 2. A role in forward planning and development control.

- 2A. What are your views on the Countryside Agency's preferred option for a South Downs National Park Authority to prepare joint structure plans?
- 2B. Do you think one of the other options would be a better way forward, or are there other options the Countryside Agency should consider?
- 2C. What are your views on the Agency's preferred option for joint minerals and waste local plans?
- 2D. Do you think one of the other options would be a better way forward, or are there other options the Agency should consider?
- 2E. What are your views on the Countryside Agency's preferred option for a South Downs National Park Authority to prepare a park-wide local plan, working in conjunction with constituent and neighbouring local authorities?
- 2F. Do you think one of the other options would be a better way forward, or are there other options the Countryside Agency should consider?
- 2G. Do you think that a unitary development plan would be the best model for the South Downs?
- 2H. What are your views on the Countryside Agency's preferred option to delegate some development control responsibilities to existing local authorities?

What are your views on the degree of delegation that would be appropriate?

2I. Do you think one of the other options would be better, or are there any other options the Countryside Agency should consider?

Issue 3. A role in land management

- 3A. What are your views on the proposed role for a South Downs National Park Authority in relation to farming and forestry, nature conservation and cultural heritage? Do you agree that restoration of downland should be a particular priority?
- 3B. Are there any other land management matters that a South Downs National Park would need expertise to address?

Issue 4. A role in visitor management

4A. Do you think that a South Downs National Park Authority should run its own integrated and area-based countryside management service?

Are there other options that the Agency should consider?

- 4B. What do you think a South Downs National Park Authority's role should be in relation to site management and ownership?
- 4C. What are your views on the Countryside Agency's preferred option for highway authorities to delegate right of way powers to a South Downs National Park Authority?

What activities do you think the National Park Authority should be responsible for?

- 4D. What are your views on the other options, or are there any other options that the Agency should consider?
- 4E. Do you agree that the National Park Authority should have an active role in transport and traffic management?

Are there other issues that the Countryside Agency should consider?

4F. Do you agree with the role outlined for the National Park Authority on tourism?

Are there other issues that the Countryside Agency should consider?

4G. Do you agree with the role outlined for the National Park Authority on education and interpretation?

Are there other issues that the Countryside Agency should consider?

Issue 5. A National Park management plan and delivery by the National Park Authority and others

5A. What are your views on the role of the National Park Authority in co-ordinating and monitoring action by others?

Are there other issues that the Countryside Agency should consider?

Issue 6. Working in partnership

6A. What are your views on involving other parties through joint working in order to support the work of a South Downs National Park Authority?

Are there other issues that the Countryside Agency should consider?

Issue 7. Involving local people

7A. What are your views on how a South Downs National Park Authority might involve local people?

Are there other issues that the Countryside Agency should consider?