

Agenda Item No: **Report No:**

Report Title: **South Downs National Park (SDNP): to consider the SDNP Inquiry Inspector's Report, and related material, published for consideration by DEFRA**

Report To: **Cabinet** **Date:** **23 July 2007**

Lead Councillor: **Cllr Peter Gardiner**

Ward(s) Affected: **All**

Report By: **Director of Planning and Environmental Services**

Contact Officer(s): **Lindsay Frost, Director of Planning & Environmental Services**

Purpose of Report:

To consider the latest stage of the SDNP Designation process.

Officers Recommendation(s):

- 1 To note the proposed deletions from, and additions to, the proposed National Park recommended by the Inspector following the Public Inquiry held between November 2003 and March 2005.**
- 2 To authorise the Director of Planning & Environmental Services, in consultation with the Lead Councillor for Planning, to prepare a detailed response on behalf of the District Council by the deadline date of 13 August 2007.**

(NB DEFRA will not entertain further representations or objections on proposed deletions from the National Park. See paragraph 1.5 below)

Reasons for Recommendations

To ensure that the District Council's views continue to influence the SDNP Designation process and that such views are submitted to DEFRA by the required deadline.

Information

- 1.1. The Countryside Agency made a Designation Order for the South Downs National Park in December 2002. Representations on the proposed Order were the subject of a Public Inquiry, presided over by a Government Inspector, between November 2003 and March 2005. The focus of discussion at the Inquiry was:
 - Do the South Downs warrant formal designation as a National Park, having regard to purpose of national parks set out in legislation?
 - If designated, what should the detailed boundaries of the National Park be?

- Is it justified to revoke all the land in the East Hampshire and Sussex Downs AONBs?
- Is a National Park Authority appropriate to the South Downs and, if so, how might it best be established and operate?

1.2 The designation process has been on hold for a year, but has now been re-started. The Inspector's report was published by DEFRA on July 2, together with a number of related documents, as follows: -

- The South Downs National Park Inquiry Inspector's report Volumes 1 – 3 dated 31 March 2006 plus his Addendum to the Report dated 20 June 2007;
- Defra's letter inviting Natural England to provide a proposed definitive line for the possible alternative boundary between Petersfield (Hants) and Pulborough (West Sussex).
- Natural England's "Statement of Impacts of the *Meyrick* case and the relevant provisions contained in the Natural Environment and Rural Communities Act 2006 on the South Downs National Park designation process";
- Schedule of Additional Areas for Inclusion as recommended by the Inquiry Inspector;
- A set of maps showing the possible alternative boundary line from Petersfield to Pulborough and the possible additional areas for inclusion as recommended by the Inquiry Inspector.

Also published for reference are:

- A copy of the High Court and Court of Appeal Judgments on the '*Meyrick*' challenge;

and

- Detail on sections 59 and 99 of the Natural Environment and Rural Communities Act 2006, which amend the legislation in the National Parks and Access to the Countryside Act 1949 relating to National Parks designation;

1.3 All these documents are on public deposit at Southover House, and can be viewed on the internet at www.defra.gov.uk. DEFRA are seeking views by Monday 13 August.

1.4 The main conclusions/recommendations by the Inspector are as follows:

- a) The area contains extensive tracts of land that, by virtue of their natural beauty and the opportunities they provide for open air recreation, merit National Park status and deserve the additional resources, focus and integrated management that a National Park Authority could provide.
- b) That the boundary of the proposed National Park be reviewed between Petersfield and Pulborough to exclude lower quality landscapes and non chalk landscapes, other than where the latter have a strong visual link, or other associations with, the core chalk downs.
- c) That the AONB Revocation Orders not be confirmed further to the boundary review in (b) above.

- d) Irrespective of the review in (b) above, the proposed National Park boundary be amended, by a number of additions and deletions detailed in the Inspector's report
- e) That the maritime boundary to the sea be left "open" where the adjoining cliffs and foreshore meet the statutory criteria for National Park.
- f) That consideration be given to statutory provisions that would allow marine areas beyond the mean low water mark to be part of a National Park.
- g) That the Agency's advice to the Secretary of State on the management and operation of a new National Park be accepted, subject to a number of comments by the Inspector in Annex C of his report.

1.5 The key issues to consider are:

- The Inspectors recommended deletions from the proposed SDNP
- The Inspectors recommended additions to the proposed SDNP*
- Proposals for a major reduction in the proposed SDNP north of the Downs in Hampshire/West Sussex (Petersfield to Pulborough)*
- The Meyrick case*
- Revised legislation relating to National parks in the Natural Environment and Rural Communities Act 2006*

DEFRA are only inviting objections and representations on the matters marked with an asterisk. The areas recommended for deletion by the Inspector are for information only, as they fell within the Designation Order boundary that was the subject of the Public Inquiry.

- 1.6 These key issues are outlined in more detail in the attached Appendix A. As officers have had only a few days to prepare this report since receipt of the very bulky (over 550 pages plus maps) set of documents from DEFRA, it has not been possible to produce a detailed set of recommendations for Cabinet. Much more work needs to be done before the mid-August deadline.
- 1.7 Instead, the Appendix identifies the deletions/additions recommended by the Inspector and invites Cabinet to provide any comments they may have, and to authorise the Director of Planning & Environmental Services, in consultation with the Lead Councillor, to prepare a detailed response.
- 1.8 Map extracts provided by DEFRA are also provided in the Appendix to assist consideration of the main boundary changes.

Financial Appraisal

- 2.1 There are no direct financial implications arising from the report recommendations.
- 2.2 However, one possible outcome of the current round of public consultation is re-opening of the SDNP Inquiry to consider matters not previously covered at the original 2003/5 Inquiry. If this occurs, the District Council would not need to consider whether it would need to be represented at any re-opened Inquiry and what

resources were required. There is no specific provision in 2007/8 Planning revenue budgets.

Environmental Implications

- 3.1 I have completed the Environmental Implications Questionnaire and the main environmental impact of the report is the extent of statutory landscape protection for countryside in Lewes District.

Risk Assessment

- 4.1 I have completed a risk management assessment in accordance with the Council's Risk Management methodology and there is a risk that the issues covered could lead to a re-opened Public Inquiry and additional staff resource, and other, demands. A decision on whether to re-open the Inquiry rests with DEFRA and the District Council cannot influence this decision, or mitigate the risks connected with it.

Background Papers

- Documents listed in paragraph 1.2 above
- South Downs National Park Designation Order, Countryside Agency, December 2002.
- Report to Council, 26 February 2003, Minute 220.

Appendices

- 1 – Schedule of recommended boundary changes and maps.

Lindsay Frost
Director of Planning & Environmental Services

05.07.2007