

**Agenda Item No:** **Report No:**

**Report Title:** **Proposed South Downs National Park re-opening of Public Inquiry**

**Report To:** **Cabinet** **Date:** **21 November 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**

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**Purpose of Report: To notify Cabinet of arrangements for the re-opened Inquiry and to consider associated issues.**

**Officers Recommendation(s):**

- 1 Cabinet note arrangements for the re-opening of the South Downs National Park Inquiry.**
  - 2 Cabinet consider whether they wish to take any further action in respect of the Inspector's recommended deletions from the proposed National Park.**
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**Reasons for Recommendations: To make appropriate preparations for the re-opened National Park Inquiry.**

**1 Information**

- 1.1 The South Downs National Park Designation Order was the subject of a Public Inquiry held between November 2003 and March 2005. The Inspector's Report was published in June 2007 and was reported to July Cabinet (Report No. 136/07 and Minutes 38/39 23 July 2007 refer. The Minutes are attached as Appendix A).
- 1.2 DEFRA have now notified all interested parties that the Public Inquiry will be re-opened, as from Tuesday 12 February 2008 in Worthing with the same inspector as previously, Mr R N Parry. A copy of DEFRA's letter is attached as Appendix B.
- 1.3 Although the District Council's representations (and those of many other individuals) have asked that a re-opened Inquiry revisit the issue of recommended deletions from the National Park, (particularly in respect of land south of Chyngton Way, Seaford) the letter from DEFRA gives no indication that the Inquiry will do so. Further clarification of this point will be sought at the pre-inquiry meeting scheduled for 11 December. Other campaigners are seeking the opportunity to revisit other recommended deletions from the National Park, such as the town of Lewes.
- 1.4 Whilst the strength of local opinion on proposed deletions from the National Park is recognised, officers have no reason to believe that the procedures operated by DEFRA and the Planning Inspectorate are legally flawed. The Inspector has given proper consideration to all duly made objections on the Designation Order; considered the evidence put before him; and made his recommendations to the Minister. Objections were responded to at the Inquiry by the designating authority – the Countryside Agency

– and there is no obligation on them to seek views from third parties (such as local residents) after the Designation Order deposit period had passed.

- 1.5 However, if Members wish to take the matter further, it may be appropriate to seek advice from legal Counsel, prior to the scheduled pre-inquiry meeting in mid-December. This would either confirm that inquiry procedures are not flawed, or conversely, would provide a basis for taking the matter further at the forthcoming pre-inquiry meeting.
- 1.6 The cost of seeking Counsel's opinion will depend upon the precise scope of the opinion sought and on the seniority of the Counsel involved. On the basis of previous experience, estimated costs would be in the region of £5,000 to £7,000 for a legal opinion.

## **2 Financial Appraisal**

There is no financial provision for expenditure on Counsel's opinion in existing revenue budgets. If Members wish to proceed, use of the contingency fund would have to be considered. At present, the fund has £27,000 remaining in 2007/8. An allocation of £7000 from the fund would be appropriate to cover costs of obtaining a legal opinion.

## **3 Environmental Implications**

None arising from this report.

## **4 Risk Assessment**

Any expenditure on Counsel's opinion may be abortive, if it confirms that Inquiry procedures are not legally flawed.

## **5 Background Papers**

- South Downs National Park (Designation) Order 2002, December 2002
- Report 136/07, LDC Cabinet, 23 July 2007, South Downs National Park

## **6 Appendices**

- A. Minutes 38/39 Cabinet, 23 July 2007
- B. Letter from DEFRA dated 25 October 2007

Lindsay Frost  
Director of Planning & Environmental Services  
1/11/07