



**Agenda Item 10
Report NPA02/18**

Report to	South Downs National Park Authority
Date	22 March 2018
By	Planning Policy Manager
Title of Report Note	Progress in relation to the submission of the South Downs Local Plan for examination

Recommendation: The Authority is recommended to note progress in relation to the submission of the South Downs Local Plan for examination.

I. Introduction

- 1.1 The purpose of this report is to explain the progress that has been made on preparing the South Downs Local Plan and to look ahead to its submission and examination. A number of matters arising from the representations made on the Pre-Submission Local Plan are outlined in this report.
- 1.2 The public consultation on the Pre-Submission version of the Local Plan ran from 26 September to 21 November 2017. We received approximately 2,460 representations from 568 organisations and individuals. No substantive objections on matters of soundness or legal compliance have been made to the spatial strategy and main policies. Therefore no major changes need to be made to the Pre-Submission version of the Local Plan before submission.
- 1.3 We have just finished summarising the key issues arising from these representations and are making minor amendments to policies and supporting text as appropriate. Members discussed these issues at Local Plan Member Working Group on 28 February with a particular focus on the agriculture and forestry policies. Meetings have also been held with stakeholders such as Natural England and the Sussex Wildlife Trust. All changes are subject to approval by the Director of Planning in consultation with the Chair of the NPA.
- 1.4 The decision to submit the plan for examination was actually made at NPA in July last year. Here are links to the agenda and the minutes for that meeting:
 - 1.5 https://www.southdowns.gov.uk/wp-content/uploads/2016/06/NPA_2017July11_Agenda-Item-12.pdf
 - 1.6 https://www.southdowns.gov.uk/wp-content/uploads/2017/10/NPA_2017October19-Agenda-Item-3.pdf
- 1.7 The intention is to submit the plan for independent examination shortly after this meeting. It will be submitted along with the schedule of changes, all the representations made in the Pre-Submission consultation, the Policies Map and the Core Document Library, which is made up of all the evidence supporting the plan.
- 1.8 The team is busy preparing for the examination. Examination training has been booked with former PINS inspectors Keith Holland and David Hogger in April and will focus on the main issues that will arise during our examination. The barristers James Mauricci and Toby Fisher have been appointed to speak on behalf of the NPA for selected hearing sessions most notably the first day of the hearings that deals with legal compliance and the duty to cooperate.
- 1.9 The examination lasts from the day the plan is submitted to the day the final Inspector's

report is received. The hearings are likely to run for up to two weeks. Further consultation may be required on any major modifications proposed by the Inspector. If found sound the NPA can then adopt the Local Plan, which will then replace over one thousand local plan policies currently operating in the National Park.

2. Policy Context.

- 2.1 The preparation and adoption of the Local Plan is a corporate priority for the National Park Authority. The Local Plan carries forward the vision and policies of the Partnership Management Plan.

3. Issues for consideration

- 3.1 There are a number of issues arising from the Pre-Submission consultation that are discussed below.

3.2 Duty to Cooperate

- 3.3 It is a legal requirement for all local planning authorities to plan strategically across local boundaries. The NPA has actively sought to do this and will publish evidence to demonstrate it in a Duty to Cooperate Statement, which will form part of the core document library. We have also prepared Statements of Common Ground with all the local authorities that come within the National Park. A key issue addressed in these statements is that of unmet housing need. A number of statements are being prepared with other organisations such as the Sussex Wildlife Trust and Natural England.

3.4 Habitats Regulations Assessment (HRA) and Ashdown Forest

- 3.5 The main risk to the Local Plan arises from the decision at the High Court in March last year to quash policies SPI and SP2 of the Lewes Joint Core Strategy insofar as they apply to the South Downs National Park. The judicial review (JR) centred on the methodology for the HRA in regard to understanding the impact of traffic movements through Ashdown Forest, which is a Special Area of Conservation (SAC); in particular at what point, and how, assessments should be undertaken in combination with other Local Plans.

- 3.6 As the previously used threshold of traffic movements could no longer be applied, an in-combination assessment was carried out as part of the HRA process called Appropriate Assessment (AA). This includes all internationally designated sites within the scope of the HRA, which are potentially vulnerable to air quality/atmospheric nitrogen deposition and lie within 200m of any significant roads. The overall conclusion of this work is that no adverse effects will arise in any of these sites, including Ashdown Forest, due to growth in the National Park. This is due to a combination of a forecast net improvement in air quality over the plan period and the very small contribution to change in air quality that growth in the National Park is expected to make.

- 3.7 A strongly worded letter of objection was received from Wealden District Council (WDC) objecting to our Pre-Submission Local Plan and its HRA. We have commissioned further work to address the issues raised in the letter. WDC have now issued over fifty letters of objections to various planning applications being dealt with by local planning authorities as far afield as Hastings and Tandridge.

- 3.8 In order to move forward from the High Court decision, NPA officers have convened and are now chairing the Ashdown Forest Working Group. We are close to finalising a Statement of Common Ground, which sets out statements on a number of key matters such as air quality calculations and traffic modelling. The signatory authorities then decide whether they agree or disagree with the statements and give their reasons for their decisions. This work involves 12 local planning authorities and Natural England; the work is being facilitated by the Planning Advisory Service as a pilot for the Government. The signed Statement of Common Ground will be submitted as part of the Core Document Library for examination. Toby Fisher QC, our consultant from AECOM and Natural England will be supporting us at examination on this matter.

- 3.9 It is of interest to note that the Secretary of State determined a number of planning appeals this month in Mid-Sussex. One of the appeals had previously been refused taking a "cautionary approach" as harm to the Ashdown Forest SPA could not be ruled out. After receiving the inspector's report, the Secretary of State sought advice from Natural England, which advised

that the scheme would likely have "no significant effect". On this basis, he approved the scheme against his inspector's recommendation.

3.10 Housing

3.11 A considerable number of representations have been received objecting to the fact that the Local Plan does not seek to meet its objectively assessed need (OAN) for housing. The spatial strategy is for a medium level of development spread across the towns and villages of the National Park and the housing figure is landscape capacity based not target driven. The housing numbers for some of the allocated sites may change slightly in response to emerging evidence and representations received. There is no intention to increase the housing provision figure significantly and this matter will form a matter for discussion at the hearings. The Vision and Circular state that the Government recognises that national parks are not suitable locations for unrestricted housing.

3.12 There are also a number of comments that the Affordable Housing Policy is not consistent with the Written Ministerial Statement (WMS) lodged by Brandon Lewis (then Minister for Housing and Planning) on 28 November 2014, which seeks to set minimum thresholds for seeking affordable housing through the Section 106 process. The robust evidence that we have to support the policy is set out in the Whole Plan Viability and Affordable Housing Study, which will form part of our core document library. Other sound Local Plans have policies relating to affordable housing that are more locally evidence based than the national WMS. Furthermore a number of recent appeal decisions by the Planning Inspectorate have favoured local evidence over the WMS and Planning Practice Guidance.

3.13 Agriculture and Forestry

3.14 Representations from the farming community most notably the National Farmers' Union (NFU) have made objections to several parts of these policies. Farming is one of three current priorities in the public affairs strategy. A number of amendments have been made to each of the policies to address the representations, current practice and appeal cases. These were debated at LPMWG and the revised policies have been sent on to the South Downs Land Managers and other interested parties for comment.

3.15 Allocations

3.16 The spatial strategy of the Local Plan is for a medium level of development dispersed across the town and villages of the National Park. The Local Plan allocates sites for development in line with this strategy outside neighbourhood planning areas. The allocations that received most representations were SD64: Land South of Coldwaltham, SD89: Land at Pulens Lane, Sheet and SD92: Stedham Sawmill. Minor amendments have been made to these and other policies to address concerns. However, no fundamental issues have been raised that would suggest that these allocations should be deleted from the plan.

4. Omission Sites

4.1 Omission sites are sites that are not allocated in the Local Plan; representations have been received that they should be allocated. Most of these representations point out that the allocation of these sites would contribute to meeting our OAN. The largest housing omission sites are Bohunt Manor, Liphook and Hoddern Farm, Peacehaven. There is also a large employment omission site at Longmoor Depot, Greatham promoted by the Defence Infrastructure Organisation. A site visit has been arranged with the promoter to discuss the development options for the site and delivering multiple benefits for the National Park.

5. Options & cost implications

5.1 The decision has already been made by the Director of Planning (exercising his delegated authority in consultation with the Chair of the Authority) to submit the South Downs Local Plan for examination after the Pre-Submission consultation. Officers are close to completing a schedule of minor changes, which are subject to approval by the Director of Planning in consultation with the Chair of the NPA. It is considered unnecessary to make any major changes and therefore considered unnecessary to hold a further round of consultation on the plan.

5.2 There is a cost for preparing the Local Plan that is covered by the Planning Policy budget.

6. Other Implications

Implication	
Will further decisions be required by another committee/full authority?	The Local Plan will come back to NPA once the final Inspector's report is received. The likely outcomes are to carry out a consultation on proposed major modifications to the Local Plan and to adopt the Local Plan.
Does the proposal raise any Resource implications?	The Local Plan is one of the top corporate priorities for the SDNPA with adoption timetabled for late 2018, which has been reflected in approved budgets and the Medium Term Financial Strategy. Officers within the Planning Policy team are leading the work on developing the Local Plan and utilising expertise elsewhere within the Authority. There is a cost for preparing the Local Plan that is covered by the Planning Policy budget. Costs associated to the delivery of the Local Plan will be monitored and any variation to approved budgets will be reported as part of the budget monitoring process.
How does the proposal represent Value for Money?	Replacing all our existing saved and adopted plans with a single document will save time for our DM officers and Planning Committee. Various policies in the Local Plan will ensure developers increase their contribution to the Purposes and Duty of the National Park. Protecting the South Downs from inappropriate development has a value that cannot be monetarised.
Are there any Social Value implications arising from the proposal?	The decision does not relate to, or initiate, a relevant public procurement process.
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010. An Equalities Impact Assessment has been prepared for the whole Local Plan.
Are there any Human Rights implications arising from the proposal?	These draft policies have been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.
Are there any Crime & Disorder implications arising from the proposal?	It is considered that the proposal does not raise any crime and disorder implications.
Are there any Health & Safety implications arising from the proposal?	None
Are there any Data Protection implications?	There are Data Protection issues relating to the database we hold of representors on the Local Plan. The preparation of the Local Plan complies with all the necessary legal requirements.
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy: I.	The South Downs Local Plan is a landscape led plan that seeks to deliver multiple eco system services within a nationally protected landscape. A sustainability appraisal has been prepared to inform the preparation of the Local Plan.

7. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
That the South Downs Local Plan is not found 'sound' at examination.	Medium	High	The policies are consistent with the NPPF and are based on robust evidence

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Appendices	None
SDNPA Consultees	Chief Executive; Director of Countryside Policy and Management; Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services, Business Service Manager
External Consultees	None
Background Documents	https://www.southdowns.gov.uk/planning/national-park-local-plan/