

**SOUTH DOWNS NATIONAL PARK - LOCAL PLAN EXAMINATION****PRELIMINARY NOTE TO THE NATIONAL PARK AUTHORITY  
FROM THE APPOINTED INSPECTOR****Personal Comment**

1. I regret that this second communication has been delayed in part by resource limitations already described in INSP.1 but also by certain internal IT difficulties, now resolved.

**Anticipated Further Actions**

2. Introductory Note INSP.1 was little more than a courtesy to acknowledge receipt of the Plan for examination. This Preliminary Note covers some basic matters relating to the administration and scope of the Examination, aimed at clarifying early concerns in the interests of efficiency, as well as potential savings in preparation time, with cost implications for the NPA.
3. On reviewing INSP.1, I understand that the NPA may have been given the impression that I could do no work on the Plan until October. That is not the case. Although I am not able to devote the full-time attention to the Plan, necessary for the conduct of Hearings, until the Autumn, as INSP.1 does explain, some progress can be achieved in the meantime, including establishing matters and issues for discussion, arrangements for venues and hearings and the submission of any further documents, including Position Statements, if I decide to accept them.
4. Even so, my reading and understanding of the extensive Plan and evidence base has not yet progressed as far as I would have liked, in the constrained circumstances I have explained. However, I aim, within the next month, to issue an Initial Note, if necessary containing more focussed questions for the NPA. It will also indicate, if possible, how I see the Examination unfolding towards the tentative strategic hearing dates from October 2018 and give some impression of the Matters and Issues of legal compliance and soundness that will need to be considered.
5. In the meantime, I should appreciate the NPA giving attention to the matters and questions detailed below.
6. I set out the questions or comments seeking a specific action or response from the NPA in ***bold italic text***.
7. I follow my own usual practice in ***requesting that the NPA provide an immediate acknowledgement of this note, together with a date by which it will respond in full, with any questions or comments of its own, which are always welcome***.

**Documentation, Statement of Issues, Attendance at Hearings and NPA Responses to Representations**

8. I would first say that the evidence base and document library are, like the Plan itself, voluminous, but appear to be commendably complete, adequately navigable and conveniently available on a clear web page within the NPA website.

9. I refer, though, to the Procedural Practice guidance of the Planning Inspectorate (4<sup>th</sup> Edn of June 2016) (PP), wherein paragraph 1.10 clearly states that it is well worth investing time to produce a focussed and comprehensive statement of the main issues, as the first introduction of the Inspector to the likely matters to be addressed.
10. The submitted statement of issues appears to comprise Appendix 4 to the Consultation Statement [SDLP.03]. This summarises the representations, chapter by chapter and policy by policy, over some 235 pages. This seems to be commendably comprehensive but, with respect, it cannot be regarded as focussed on the main issues, when it takes up such a large proportion of a 572 page document.
11. It would be helpful, and would save preparation time, if the NPA, with its intimate knowledge of the Plan, its preparation and the likely issues, could provide a more distilled and focussed impression of the main issues overall. This should highlight those representations questioning the soundness or legal compliance of the Plan, including with respect to the Duty to Co-operate, other legal matters and the Sustainability Appraisal.
12. This would enable me to become more quickly focussed on the essential matters of soundness around which a comprehensive and objective understanding of the Plan and its evidence base will be built.
13. It would also be helpful if the NPA could provide any impression it may have been able to acquire as to the likely duration of hearings and numbers of representors attending.
14. PP paragraph 1.10 goes on to say that, although not a legal requirement, it is also very helpful if the authority briefly indicates its response to all the representations.
15. For my part, I would add that I have found this, over many years, to be the approach invariably adopted by planning authorities and I agree that it is very helpful. That is not least because some matters may be satisfactorily considered in writing, on the basis of original representations, which are taken as the full case of the representor, and it can save on hearing and reporting time, correspondence and cost to the NPA.
16. In this case the NPA does not appear to have provided such responses and I gather the point has already been raised by our experienced Programme Officers (POs), who are also addressing the matter of likely attendance at hearings, albeit attendance will be finalised at a later stage, along with the invitation to appear and the Schedule of Matters and Issues.

**Q1** *The NPA is requested to provide a shorter, focussed statement of overall main issues and likely extent and scale of hearings, as indicated above.*

**Q2** *The NPA is asked to consider providing individual responses to representations, as advised.*

#### **Pre-Submission Changes to the Plan**

17. The NPA has submitted with the Plan a Schedule of Changes to the SDLP [SDLP.01.1]. These include minor changes which are unlikely to affect the

soundness of the Plan as well as more substantial modifications, for example to policies and text relating to biodiversity, which would concern soundness by way of effectiveness or consistency with national policy.

18. I note that the NPA website is emphatic that the submitted Plan comprises the pre-submission Plan plus these changes. It is established practice that pre-submission changes can be accepted as part of the submission document but that they must have been subject to public consultation equivalent to that required under Regulation 19. This is made clear in paragraphs 1.2 and 3.3 of the PP. Otherwise, the changes need to be identified as either minor alterations not for examination or proposed Main Modifications (MMs) for consideration in the Examination, as affecting the soundness of the Plan.
19. It does not appear that public consultation has taken place on the Schedule of Changes, albeit I may yet be corrected on that point. If not, I do not anticipate that I could properly accept them as part of the submitted Plan but, in this case, I would suggest the optimum approach will be to consider those which amount to proposed MMs within the Examination. I would add that I would always err towards regarding a change as a MM if in doubt, to avoid later dispute.

**Q3** *The NPA is requested to confirm whether the Schedule of Changes has been subject to public consultation and, where they affect soundness, whether they are to be considered as suggested MMs.*

#### **Main Modifications and Policies Map**

20. If the Plan is found to be unsound as submitted, I can recommend Main Modifications (MMs) to make it sound. However, for me to do this, it is necessary for the NPA to make a formal request for me to do so, under Section 20(7C) of the Planning and Compulsory Purchase Act 2004.
21. If such a request is made, the suggested and any other potential MMs will be considered in the Examination, along with the other evidence of soundness, and will only be recommended if the Plan is unsound as submitted.
22. It will be necessary for officers representing the NPA to be authorised to discuss potential MMs in open session.
23. The NPA will be asked to agree a final Schedule of MMs and to publish them, with any further supporting evidence, for consultation equivalent to the Regulation 19 consultation. I will then take account of the MM consultation responses before my Report is completed. This is in line with established practice.
24. Meanwhile, a draft Schedule of MMs should be built up by the NPA as the Examination progresses, using the submitted Schedule of Changes as a basis.
25. I would add for clarity that, although the NPA provides a Submission Policies Map with Insets, this is not itself a development plan document for examination and I do not have the power to recommend modifications to it. So where MMs require amendment to the Policies Map, these should be published alongside the MMs but not as part of them. It is for the NPA to maintain the Policies Map to provide geographic illustration of the Plan policies. The policies themselves should make cross-reference to the Policies Maps and Insets where they have a geographic application.

**Q4** *The NPA is requested to consider making a request for MMs under Section 20(7C) at this stage and to keep a travelling draft Schedule of MMs during the Examination.*

**Q5** *The NPA is requested to confirm that officers will be authorised to discuss MMs in open session.*

#### **Alternative or Omission Sites**

26. Alternative or Omission sites put forward by representors will not be considered directly. Where representations suggesting an alternative or additional site in effect challenge the selection, suitability, sufficiency or deliverability of the Plan allocations, such representations will be redirected to those issues of soundness.
27. In the event that the Plan were found likely to be unsound in these respects, the NPA would be given the opportunity to bring forward other sites for consultation and further consideration, albeit based on interim findings by the Inspector, but I would not recommend alternative sites directly.

#### **Draft Amended National Planning Policy Framework**

28. The Government has consulted upon the draft revised National Planning Policy Framework (together with associated draft revised Planning Practice Guidance) and anticipates publishing the revised Framework later this year.
29. The draft Framework includes implementation provisions making the policies in the revised Framework material considerations to be taken into account in dealing with applications from the day of its publication.
30. However, for the purpose of examining plans, there is a proposed transitional arrangement, whereby the policies in the extant Framework of 2012 will continue to apply where the plan has been submitted on or before the date six months after the publication of the revised Framework. Therefore, in the case of the SDLP, the Examination will take no account of the new Framework. Should the Plan be withdrawn or otherwise not proceed to adoption, the policies of the revised Framework would apply to any subsequent plan produced.
31. Even though the transitional arrangement was itself subject consultation, I do not propose at this stage to seek or accept representations or submissions concerning the draft revisions to the Framework and I anticipate that this Examination will proceed without reference to the revisions.
32. In the event that circumstances change before the Examination closes, I will, at that stage, accept further written or oral submissions, as appropriate to a fair hearing.

#### **Development Briefs**

**Q6** *The NPA is requested to clarify the policy status of Development Briefs, subject to consultation in March-April 2018, as to whether these are supplementary planning documents or to be regarded as part of, a modification to the submitted Plan.*

## Hearing Venues

33. The NPA has indicated that Hearings will take place at the South Downs Centre in Midhurst and, subject to suitability, I would favour that arrangement for convenience. However, I gather that there is current consideration of one or more other venues within or closer to settlements or sites of concern. I would favour the use of other venues, if necessary for the convenience of participants. However, I shall consider the views of the NPA on this matter in the first instance.

**Q7** *The NPA is requested to consider, with the PO, appropriate venues, with a view to making bookings as soon as an outline programme of hearings is available.*

*Brian Sims*

Inspector  
19 June 2018