

SOUTH DOWNS NATIONAL PARK - LOCAL PLAN EXAMINATION

DRAFT MATTERS AND ISSUES FOR CONSIDERATION AND FIRST DRAFT PROGRAMME OF HEARINGS

Introduction

1. This document is to be read in conjunction with the Guidance Note issued by the Inspector Ref INSP.3
2. The following draft list of Matters and Issues for consideration is based upon an initial reading by the Inspector of the extensive documentation submitted by the South Downs National Park Authority (SDNPA). At this stage, only matters of strategic significance to the Plan as a whole have been identified in any detail. Non-strategic matters and issues will be drafted in due course.
3. The list is subject to review and will be expanded to provide agendas for discussion at the Examination Hearings.
4. Hearings will be conducted on the Strategic Matters starting on **Tuesday 13 November 2018**. Hearings on site-specific and development management issues will follow, starting on **Tuesday 4 December 2018**, as indicated in the first draft outline programme appended below.
5. Representors are requested to review the list of Matters and Issues identified to date for legal and strategic considerations. If it is considered that any matter of legal compliance or any strategic matter of soundness should be added, the Programme Officer (PO) should be contacted without delay so that the Inspector can consider additional items before a firm programme of strategic Hearings is drawn up.
6. Hearings will only be held where Representors wish to discuss matters of legal compliance or soundness with the Inspector, or where the Inspector himself requires to hear oral evidence. Otherwise, the Examination will proceed by way of the original written consultation representations and written responses by the SDNPA, all of which will be taken into account together with any further written representations requested by the Inspector, whether or not the Representor concerned chooses to appear at the Hearings.
7. Discussion at Hearings will include reference as appropriate to Proposed Main Modifications (MMs)
8. References in [square brackets] are to documents in the evidence base available via the electronic Examination Library or from the PO.

Duty to Co-operate and Legal Compliance

*To be considered in the first Hearing at The South Downs National Park Centre, North Street, Midhurst, West Sussex, GU29 9DH on **Tuesday November 13th 2018**.*

Duty to Co-operate

Has the Plan been prepared in accordance with the Duty to Co-operate (DtC) with prescribed bodies, with reference to the DtC Statement [SDLP.11] and the several Statements of Common Ground (SOCGs) with neighbouring and partner authorities and other bodies [SCG series] and with respect in particular to:

- a. the supply of housing land to accommodate unmet housing need within the SDNP
- b. the need for and supply of accommodation for gypsies and travellers
- c. *any other relevant strategic cross-boundary issues?*

Other Considerations of Legal Compliance

Habitats Regulations Assessment

Has the Plan been prepared in accordance with the Habitats Regulations, with reference to the Habitats Regulations Assessment as updated [SDLP 05 series] and now subject to further revision taking into account all relevant legislation and case law and with respect in particular to:

- a. air quality as affecting European designated wildlife sites
- b. *any other relevant considerations?*

This item relates to the legal compliance of the HRA. The soundness of the chosen strategy in terms of its justification and effectiveness is for Matter 2.

Sustainability Appraisal

Has the Plan been subject to adequate Sustainability Appraisal (SA), duly updated [SDLP 04 series], taking account of reasonable alternative development strategies?

This item relates to the legal compliance of the SA. The soundness of the chosen strategy in terms of its justification and effectiveness is for Matter 2.

Statement of Community Involvement

Has the Plan been prepared in accordance with the Statement of Community Involvement [SDLP.08], with respect in particular to:

- a. the degree and effectiveness of public consultations
- b. *any other relevant considerations?*

Public Sector Equality Duty

Has the Plan been prepared having regard to the aims expressed in section 149(1) of the Equality Act 2010, with reference to:

- a. the Equalities Impact Assessment [SDLP 06]
- b. the aims of elimination of discrimination, advancing equality of opportunity and fostering good relations

the relevant protected characteristics defined in Section 149(7) of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation?

Plan-wide Strategic Matters of Soundness

Matter 1 - Vision and Objectives

Is the Plan based on an appropriate Vision and appropriate Objectives, with reference to established legislation and guidance governing National Parks?

Matter 2 – Strategy
Policy SD25

Is the Development Strategy for the SDNP and its Town and Village Centres, put forward by Policy SD25 of the Plan, appropriate and justified by robust evidence, with respect in particular to:

- a. the choice which has been made between alternative approaches to development distribution,
- b. the functional relationships between communities inside and outside the SDNP boundary,
- c. the identified settlements,
- d. the identified town centres,
- e. the redevelopment of previously developed land outside settlements?

Matter 3 - Core Policies

Do the three Core Policies of the Plan make appropriately justified and effective provision respectively for:

Policy SD1 – Sustainable Development - with respect in particular to:

- a. the exceptions permitted by criterion 4 of the Policy
- b. consistency with national policy?

Policy SD2 – Ecosystem Services – with respect in particular to:

- a. the requirement of the Policy for all proposals to be supported by a statement on its impact upon ecosystem services?

Policy SD3 – Major Development - with respect in particular to:

- a. whether part 1 of the policy provides a justified and effective basis for an objective identification of proposals considered to comprise major development,
- b. whether part 2 of the policy makes appropriate exceptions for permitting major developments in the SDNP,
- c. whether part 3 of the policy sets appropriate requirements and constraints for the control of major development exceptionally permitted within the SDNP,
- d. whether the policy should refer to major events, as distinct from permanent development?

Matter 4 – Overall Housing Need and Supply
Policies SD26 and SD33

It is noted that:

The provision of new housing accounts for the largest proportion of development need within the SDNP.

By virtue of the exception provided by footnote 9 to the applicable NPPF of 2012, the requirement of paragraph 14 to grant permission for development where relevant policies are out of date does not apply in the SDNP, even if the NPA cannot demonstrate a five-year supply of deliverable housing sites, in terms of paragraphs 47 and 49.

However, the requirement of paragraph 47 to identify the full objectively assessed need (OAN) for market and affordable housing in the housing market area still applies.

It is accordingly necessary for the NPA to have first determined the OAN before assessing the development capacity of the SDNP to meet identified market and affordable housing needs and then establishing where and how any unmet need will be met outside the SDNP.

In qualitative terms, the evidence base of the Plan is predicated upon the SDNP not meeting its OAN for housing.

However, it is for this Examination to assess quantitatively the following issues:

- a. Are the OAN figures of 447 dwellings per annum (dpa) (8,493 total) and 293dpa affordable, established by the HEDNA, justified by robust evidence drawn from appropriate housing market areas (HMAs)?
- b. Is the landscape-led assessment of development capacity and the housing requirement of 250dpa (4,750 total) set by the Plan justified by robust evidence?
- c. Is the choice of housing sites allocated in the Plan justified by robust evidence and selection methodology?
- d. Is the distribution and amount of housing sites between settlements justified by robust evidence?
- e. Is there robust evidence that the portion of the existing housing land supply of the SDNP from sites already permitted but yet to be built out will be delivered?
- f. Are the housing sites allocated by the Plan deliverable to an appropriate trajectory within the Plan period to meet the requirement of 250dpa?
- g. Is there robust evidence that the unmet housing need of the SDNP will be met by neighbouring authorities, Local Plans and Neighbourhood Plans?
- h. Does the Plan make appropriate provision for accommodation for Gypsies and Traveller and Travelling Showpeople, based on robust evidence of need and available sites?

Matter 5 – Employment Land Policy SD35

Are the numerical provisions of Policy SD35 for a total of 10.3 hectares of new employment land adequate and supported by robust evidence?

Matter 6 - Presentation

Overall, is the Plan effective in its presentation with respect in particular to:

- a. the degree to which it provides for planning 'certainty'
- b. the completeness of its Glossary of terms
- c. clarity and accuracy with regard to the policies of other existing Plans which the SDLP, on adoption, will supersede?

Strategic and Development Management Matters and Issues

SDLP Chapter 5 – Thriving Living Landscape
SDLP Chapter 6 - People Connected to Places
SDLP Chapter 7 – Towards a Sustainable Future

*Matters which affect the soundness of the Plan in relation to the terms and criteria of its **Strategic and Development Management Policies SD4-24, SD27-32, SD34, SD36-55**, including with reference to any suggested MMs.*

Issues will be identified in detail in due course and considered in the second group of Hearings commencing on a date to be announced.

Matter 7 - Landscape, Design and Special Qualities

Issues may include:

- a. the balance of the Landscape-led and Ecosystem approaches with the wider purpose of planning,
- b. the level of landscape protection in terms of 'conserve and enhance',
- c. the limiting provisions of Policy SD31 for extensions to existing dwellings.

Matter 8 - Biodiversity

Issues will include:

- a. air quality with respect to the effect of road traffic emissions on European protected wildlife sites.

Matter 9 - Affordable Homes

Issues will include:

- a. the affordable housing target with reference to viability and incentive as related to other planning constraints of housing mix and energy efficiency,
- b. consistency with national policy thresholds,
- c. availability agencies for practical provision of affordable housing,
- d. desirability of rural exception sites to include some market housing.

Matter 10 - Issues Relating to Specific Settlements ***Policy SD36***

Matters which affect the soundness of the Plan in relation to a whole settlement, including with reference to any suggested MMs.

Issues will be identified in detail in due course and considered in the second group of Hearings in weeks 2 and 3..

For each settlement issues may typically include:

- a. whether the settlement boundary is appropriately defined,
- b. whether Local Green Spaces are appropriately designated,
- c. the relationship of the provisions of the Plan for the settlement in relation to the relevant Local Neighbourhood Plan,
- d. whether appropriate protection is provided for 'niche' interests.

Matter 11 - Issues Relating to Individual Sites

*Matters which affect the soundness of the Plan in relation to its **Strategic Site Policies SD56-57** and its individual **Allocation Policies SD58 to SD96**, including their stated criteria for the development or redevelopment of the sites, the physical extent of the sites, their potential planning effects and any suggested MMs to the policies.*

Issues will be identified in detail in due course and considered in the second group of Hearings in weeks 2 and 3.

Brian Sims

Inspector

3 August 2018

South Downs Local Plan Examination

FIRST DRAFT PROGRAMME OF HEARINGS

Note - The first series of Examination Hearings on Legal and Strategic Matters will commence on Tuesday 13 November 2018 at the South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH with further sessions on Development Management, Settlements, and individual Sites following on dates indicated below, either at the South Downs Centre or a venue yet to be decided in Lewes, East Sussex, to best suit the convenience of participants.

Week	Date	Venue	Matter
Week 1		South Downs Centre Midhurst	
	Tuesday 13 November 2018		General Introduction Duty to Co-operate Any other aspects of Legal Compliance Matter 1- Vision and Objectives Matter 2 – Strategy Matter 3 – Core Policies
	Wednesday 14 November 2018		Matter 4 – Overall Housing Need and Supply including Gypsy and Traveller Accommodation
	Thursday 15 November 2018		Matter 5 – Employment Land Matter 6 – Presentation
Week 2	Tuesday 4 December 2018 Wednesday 5 December 2018	South Downs Centre Midhurst	Non-strategic and Development Management Matters 7-9
	Thursday 6 December 2018		Matter 10 – Specific Settlements
Week 3	Tuesday 11 December 2018 Wednesday 12 December 2018 Thursday 13 December 2018.	Lewes <i>to be advised</i>	Matter 11 – Individual Sites