



PRE-SUBMISSION SOUTH DOWNS LOCAL PLAN

Position statement on behalf of Newton Valence Farm R224

Legal Compliance

Introduction

1. My client appears to be in the unique position of being one of two representors addressing the Examiner on the general issues of this element of the Local Plan Examination. That said there are written submissions before the Examiner on the topic of Legal Compliance that will also be taken into account. My fellow representor, Coldwaltham Meadow Conservation, has a specific concern in relation to HRA matters. That is a separate issue to what this position statement addresses.
2. In this position statement I have taken it as read that everyone associated with the Examination is familiar with the extent and boundaries of the SDNP and the geographical and administration relationships with the local authorities that embrace or adjoin the SDNP.
3. Likewise I have not repeated any of the issues addressed in my position statement on the Duty to Cooperate and on the Strategy of the Plan to be addressed under the issue in Matter 2 of the Examination.

Legal Compliance

3. In broad terms the preparation of the SDNP Local Plan has to meet the legal requirements of:
 - Local Development Scheme (LDS)
 - Statement of Community Involvement (SCI) and relevant regulations
 - Sustainability Appraisal (SA)
 - Habitats Regulations Assessment (HRA)
 - National Policy - The Framework and Guidance
 - The Planning and Compulsory Purchase 2004 Act (as amended), and
 - The Town and Country Planning (Local Planning) (England) Regulations 2012

to be found a 'sound' plan

4. On behalf of my client my point is simply this:

The SDNPLP has failed to legally comply with legislative requirements because the DtC is flawed and unsound and the Sustainability Appraisal has too narrow a focus. Moreover the DtC and related Statements of Common Ground with the district planning authorities lack clarity of purpose and direction and as a result undermine the requirement in the Framework for the Local Plan to have been positively prepared, justified, effective and consistent with national policy.

5. The failure to plan positively runs counter to the duty of the NPA to seek to foster the social and economic well-being of the local communities within the National Park.
6. The duty of an NPA and the statutory purposes for a NP will throw up tensions between the two but it is nevertheless for the SDNPA to prepare and submit a positive plan and identify a sufficient level of housing provision to meet the needs of the local community so far as it is consistent with NP policy as a whole. In my view too much weight has been given to conserving landscape and scenic beauty without applying a proper balance. For example, the SDNPA through its SHLAA considered 541 sites yet only 108 were found to have potential for housing development. Can it reasonably be the case that 80% of all sites assessed were considered unsuitable? There simply is no evidence of a balance being considered between conserving and enhancing the natural environment
7. There is a national Housing crisis and a primary objective of the Framework is to 'boost significantly the supply of housing'. Furthermore, Paragraph 52 states that 'the supply of new homes can sometimes be best achieved through large scale development, such as new settlements or extensions to existing villages and towns'. The NPA hasn't addressed this as an alternative development strategy in its Sustainability Appraisal (SA).
8. Paragraph 55 of the Framework also encourages planning authorities to consider locating development where it could enhance or maintain the vitality of rural communities and gives the example of where there are groups of smaller settlements and development in one may support services in others. In my view this is a clear steer to planning positively in rural areas and to foster the social well-being of such communities. The spirit of fulfilling the statutory duty of the NPA is sadly missing. The NPA aims for scattered small scale developments at existing modest villages. By not considering development locations on the edge of the NP adjacent to existing towns and large service villages in surrounding local authorities or grouped settlements the approach in the SA to consider all alternatives has not been met.

9. In my view the SA fails to consider and analyse the policy option themes and is inadequate. It is not sufficiently robust to be a proportionate assessment of the opportunities available to the SDNPA to meet or even get close to its OAN for housing. Instead it is an excuse of a document to avoid meeting its statutory duty. It and the DtC Statement fails to be legally compliant.

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