

SOUTH DOWNS NATIONAL PARK - LOCAL PLAN EXAMINATION

NOTE FROM THE INSPECTOR REGARDING THE REVISED NATIONAL PLANNING POLICY FRAMEWORK 2018 (NPPF18)

In my Guidance Note INSP.3 of 3 August 2018, at paragraph 18, I stated that, under paragraph 214 of the transitional arrangements of NPPF18, published just previously on 24 July 2018, I would not seek the comments of the NPA or Representors on the implications of the revised Framework for the SDLP. That is because the new NPPF2018 does not apply to Plans submitted before 24 January 2019 and the Examination must continue with reference to the NPPF of 2012.

However, it is acknowledged that, although NPPF18 states that the policies in the previous NPPF of 2012 will apply for the purpose of examining plans submitted before 24 January 2019, equally it does not go as far as saying that the new Framework cannot apply in any circumstances.

It is accepted that there could be some circumstances where the Authority seeks to 'future-proof' a policy to reduce the risk that it might be regarded as out of date on adoption. This might also emerge as an issue when considering Main Modifications.

In such cases, I would consider whether, in the specific circumstances, it would be reasonable and pragmatic for a policy to be consistent with the new NPPF18, rather than the 2012 version, taking into account any arguments put to me. Overall, this is most likely arise in relation to development management policies. However, any Main Modification must be necessary to achieve a sound plan.

With particular reference to Policy SD28 on Affordable Homes, NPPF18 at paragraph 63 states that affordable housing provision should not be sought for residential developments that are not major developments, defined as comprising 10 or more homes (other than in designated rural areas, whereas the primary threshold set by Policy SD28 is stated as 11 or more. That is in line with the Written Ministerial Statement of 28 November 2014 and the related version of the national Planning Practice Guidance (PPG), both of which state that contributions should not be sought from developments of 10 units or less.

It could be argued that it would be pragmatic and reasonable for the SDLP, submitted under the transitional arrangements, to be consistent with the new NPPF18 in this respect, to lessen the prospect of it being argued in planning applications and appeals that the policy was out of date on adoption.

I shall therefore consider any submission made in light of the foregoing by the NPA or Representors.

Brian Sims
13 November 2018