



GOVERNMENT OFFICE  
FOR THE SOUTH EAST

**Representing Central Government in the South East**

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23 October 2009

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Dear Chief Planning Officer

South East Plan: Legal Challenges

You will no doubt have read in the planning press that we have received six legal challenges to the South East Plan. This has led to some uncertainty as to the current status of the Plan. Hopefully this letter will clarify the situation and enable you to proceed with your LDFs as planned.

Five of the challenges relate to the policy for selective reviews of the Green Belt to the south of Oxford and to the north east of Guildford. Although I recognise that these will inevitably affect plan preparation work in authorities in these areas, the rest of the published Plan retains its status as the development plan under section 38 of the Planning and Compulsory Purchase Act 2004 (except for Policy H2(i) as explained below), and LDFs must therefore be in general conformity with it.

The sixth challenge, by Arun District Council, relates to Policy H2 bullet point (i) of the South East Plan and the reference to Growth Points and eco-towns within the RSS.

The wording of bullet point (i) of Policy H2 that appeared in the final Plan was different from that issued at the Proposed Changes stage, but contrary to statutory requirement no explanation of this change appeared in the Schedule of Reasons for Changes published



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as part of the accompanying Supporting Document. The altered wording appeared in the published Plan as a result of an administrative error, and consequently we immediately agreed that the wording should be quashed by the High Court. We have now received the Sealed Order confirming that bullet point (i) of Policy H2 of the published South East Plan is deleted. However, the rest of the policy remains in force as published (see Annex). Policies on Eco-towns are set out in the Eco-towns PPS (supplement to PPS 1) which includes the four locations designated in Annex A of that statement and refers to future RSS reviews in para ET 3.1.

We will be announcing our intentions with regard to the remaining challenges in due course.

Yours

**H A L Ewing**  
**Deputy Regional Director**  
Sustainable Communities and Hants & Isle of Wight





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## ANNEX

### **POLICY H2: MANAGING THE DELIVERY OF THE REGIONAL HOUSING PROVISION**

Local planning authorities will work in partnership to allocate and manage a land supply to deliver both the district housing provision and the sub-regional and the rest of the sub-regional area housing provision while ensuring appropriate regard to environmental and infrastructure issues.

In planning for the delivery of the housing provision, local planning authorities will also take account of the following considerations:

- ~~i. the need to facilitate any proposals that are agreed for Growth Points and eco-towns to be assessed through the next review~~
- ii. ability to accelerate the rate of housing delivery in Growth Areas and New Growth Points
- iii. possibility of maximising the scale and the pace of housing delivery on named strategic locations identified in Table H1b
- iv. scope to identify additional sources of supply elsewhere by encouraging opportunities on suitable previously developed sites. This includes appropriate opportunities for change of use of non-residential development sites to secure either mixed use residential development or residential development
- v. realising opportunities for intensification consistent with criteria in PPS3
- vi. providing a sufficient quantity and mix of housing including affordable housing in rural areas to ensure the long term sustainability of rural communities
- vii. feasibility of maximising the delivery capacity unlocked by investment in infrastructure at the earliest possible opportunity
- viii. the need to address any backlog of unmet housing needs within the housing market areas they relate to, in the first 10 years of the Plan.



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**In managing the delivery of housing provision, the local planning authorities should plan for an increase in housing completions to help meet anticipated need and demand, and seek to achieve both the district distribution and the relevant sub-regional and rest of the County area provisions. Working together with local planning authorities, the regional planning body should maintain a regional housing trajectory and the sub-regional trajectories.**



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