I am at an early stage of my preparation. This note highlights some initial matters for the Council’s consideration. Further notes may follow. I do not yet have a firm view as to the likely timescale for the Examination. The timing of hearings will depend on if and when any consultation on the Council’s proposed changes takes place (see below).

At this stage, I do not envisage holding a Pre-Hearing meeting, but would explain necessary procedural matters in a Guidance Note. This would be issued in due course alongside my Main Issues and Questions and a hearings timetable.

1. Proposed Changes

1.1 Document 3 of the submission documents is NFDC Proposed Changes Schedule and document 4 is an Errata to Proposed Submission Document which lists further, mainly minor, changes. It appears that none of these changes have been the subject of any public consultation.

1.2 My Examination is concerned solely with the soundness of the submitted document. I can recommend Main Modifications only where necessary to remedy unsoundness. The Council has the opportunity to make additional modifications prior to adoption, within certain limitations. I could not recommend a change to remedy unsoundness unless that change itself was sound and had been the subject of appropriate consultation and, if necessary, Sustainability Appraisal.

1.3 In my view, a possible change requires consultation if it would materially effect the application of a policy and thus alter the expectation of a landowner/developer or interested third party (such as an adjoining resident) as to what would be required of a planning application to which that policy applies. My preliminary view is that most of the changes in Document 3 would require consultation if I were to consider them necessary to remedy unsoundness. In addition, the changes to the following policy, paragraphs or maps in Document 4 also appear to be material (although I have not looked at this schedule in detail): HAR1; page 131; Map RING 1/2/3; and at least some of the changes in Appendix 1. The fact that a change is correcting what, to the Council, may seem an obvious error does not mean that it is not material.

1.4 Procedurally it would be advantageous if this consultation was undertaken before the hearings. I can then take into account the additional representations received and any party who wishes to participate at the hearings as a result of the change can do so. In practice this means that the end of the consultation period needs to be at least 3/4 weeks before the start of the hearings (but dependent on how quickly the Council expects it could collate further representations and provide them in hard copies to me).

1.5 During the course of my Examination and as a result of the hearings I may identify matters which I consider are unsound and for which a new change is necessary. Such changes would then need to be the subject of consultation after the hearings. However, undertaking a consultation now on the Council’s present proposed changes reduces the scope of any post-hearing consultation and of the likelihood of having to reopen the hearings after any further consultation.

1.6 I therefore strongly suggest that the Council undertake as soon as possible an appropriate consultation on Doc 3 and Doc 4 (at least HAR1; page 131; Map
RING 1/2/3 and Appendix 1. It is simplest to consult on the whole of Doc 3 rather than try and exclude the few matters which appear minor. Similarly with Doc 4, Appendix 1. In making this suggestion I am not endorsing the merits of the proposed changes. If undertaking a consultation, the Council should consider whether these initial questions and comments prompt a need for additional possible changes which could be included in the consultation.

1.7 If the Council pursue this suggestion, please publish (and send me a hard copy and make a Core Document) the composite text of the plan showing in different colours those changes which have been advertised and those which remain minor. If consultation is not undertaken, please prepare a composite text showing in different colours the changes proposed in Document 3 and those in Document 4.

*Proposals Map/Policies Map*

1.8 The 2012 Regulations describe what used to be *Proposals Map* as the *Policies Map* and this term should now be used. There are many changes proposed to the existing Local Plan’s Proposals Map. The Policies Map is not directly before me as it is separate from the submitted DPD and I am unable to make any explicit recommendations for changes to the Map. However, how proposals and policies are shown on the Map may have implications for the soundness of the policies in the Plan. In addition, the submitted plan includes, both in the main text and in the Appendices, a large number of intended changes to the Policies Map.

1.8 Some of the policies included in the Key(s) of the existing Proposals Map have already been superseded by policies in the adopted Core Strategy. Some will be superseded by policies in submitted Plan. It is difficult understand what all this means for the Key(s) to the Map at adoption of this Plan. For example: on the existing Key the notations for *Private/education authority recreational land* (PERL) is referenced to Local Plan policy DW-R2. There is a separate notation and policy for *Existing Public Open space* - DW-R1. Both these policies were superseded by Core Strategy Policy CS7. The submitted plan includes a single policy, DM7, for protection of public open space, private recreation land and school playing fields. The changes in Appendix 1, Part C of the submitted Plan continue to distinguish between different types of recreational land (eg PERL). Would DM7 (together with CS7?) be the reference on the Key for these different notations? Publishing submission Key(s) to the Policies Map would make these matters clearer. I would therefore strongly suggest that any consultation on changes should include such Keys in the format to be included on the map, making clear what is being deleted as well as what is being added.

*NPPF comments*

1.9 The public consultation on the published plan took place before the NPPF was published at the end of March 2012. The NPPF is the national policy against which I will need to assess the soundness of the plan. Representors have not had the opportunity to comment on soundness in the context of the final version of the NPPF and I would need to provide this opportunity before the hearings. Accordingly, if the Council is to undertake a consultation on changes before the hearings I would be grateful if the Council would also explicitly provide the opportunity to comment on the submitted plan in the light of the publication of the NPPF, whilst making clear that existing representations should not be repeated.

2. *Initial comments on some DM policies and text*
2.1 Whilst I am likely to have further comments and questions on DM policies and the site allocations in due course, I raise these comments now so that the Council can consider whether possible changes should be included in any consultation to be undertaken before the hearings, or prepare further justification. Any such further justification would then be available for comment by representors before the hearings.

2.2 **DM5 (Coastal Change Management Area).** Please provide a hard copy of the *Poole to Christchurch Bay Shoreline Management Plan* (or extracts of relevant parts) and make a Core Document. Please explain briefly how policy DM5 is consistent with the strategy in that Plan for the coastline at Barton and Milford on Sea in the PCBSMP.

2.3 Irrespective of the merits of the policy approach set out in DM5, I am unclear as to what is the intended by criterion *e i - subdivisions of properties*. Does this mean subdivision of buildings only or subdivision of plots, which would allow an additional residential building together with an existing residential building. Please explain. The Council should consider whether it wishes to propose a change to make its intentions clear.

2.4 **DM7, DM8 and DM9.** I am unclear about the intended relationship between these 3 policies, what is shown on the Proposals Map and the Open Space SPD and Green Infrastructure SPD. It would be helpful if the Council could prepare a short explanatory note of the inter-relationships. In particular, please explain the purposes of the 2 SPDs; how they relates to the policies; what sites will be included in the SPDs; how these sites have/will be selected; and the reasons for any differences with sites identified (or proposed to be identified) on the Proposals Map. I have not seen any versions of these SPDs. Please provide the most recent published versions (if any), explain whether the final versions are intended to be significantly different and the timetable for progressing these documents.

2.5 With respect to **DM7** please explain:
   
   - how the wording of this policy is consistent with the approach set out in paragraph 77 of the NPPF.
   - with reference to any existing evidence, whether any recreational land was identified as surplus to requirements.
   - with reference to any existing evidence, whether additional requirements were identified and whether these needs relate to proposals in the plan. (I have not yet looked at any background papers on this.)
   - whether the policies in the plan are consistent with paragraphs 76 and 77 of the NPPF in relation to Local Green Space designations and, if they are not, how the Local Plan will address this issue.
   - how the Local Plan (as a whole) provides appropriate protection for recreational buildings/facilities which are not encompassed within DM7.

2.6 **Policy DM8** does not provide for any exceptions to its prohibition of the loss of landscape features. Please explain why this is justified, such as in comparison to policy DM2 (regarding SINCs and similar designations) which does provide for an exception.

2.7 **DM10 (Occupancy of housing provided to meet a local need).** I do not understand the need for this matter to be addressed in such detail in a development plan policy since it appears to be concerned primarily with housing management practice. NPPF 154 states that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. Decisions on the individuals who should occupy
affordable housing would be made after any such scheme has been permitted and is under construction. The Council should review whether the policy is justified or whether it should be deleted. It may be more appropriate in some other publication. If I were to be persuaded that the policy should be retained in some form, is the Council satisfied that the cascade of persons eligible to occupy such housing will ensure that affordable units can always be occupied and are not left vacant. My understanding is that this is a critical consideration for institutions which provide finance for affordable housing.

2.8 **DM11** (Residential accommodation for older people). I do not understand the justification for the blanket prohibition of such development on sites allocated under policies CS11 and CS12. Such uses would probably be acceptable in principle in such locations; the policy is encouraging such provision; and there should normally be sufficient flexibility in housing provision such that the development of a care home would not undermine overall housing delivery. Whilst the viability considerations might not make a care home a realistic prospect on sites under policy CS12, such development could be complementary to the provision of the required scale of affordable housing. Further justification is required or consideration given to deleting the last sentence of the policy.

2.9 **Paragraphs 2.55 -2.59** (Gypsies travellers and travelling showpeople). Please provide a hard copy of the *Gypsy and Traveller Accommodation Assessment for Hampshire and its Appendices* (BP22 and 22a). (I have not seen these documents as they are not available on-line.)

2.10 Please explain:
- the reason for the proposed change from the 5 additional pitches in the submitted plan to the around 8 in Document 3.
- What period does the 8 cover? If only to 2016, how does the Council intend to make provision for any further needs that the new GTAA identifies?
- How will the plan provide for a 5 year supply of pitches for gypsies and travellers as required by national policy?
- Similarly, for travelling showpeople, how does the intended approach (responding to applications, but not allocating a site) meet the requirement for a 5 year supply of plots?
- How/when will TOT10 be delivered? What are the intentions of the landowner?

2.11 **DM13** (Tourist and visitor facilities). The last part of the policy requires that where an existing hotel/guest house is not viable, the building should be used for an alternative leisure/visitor based business. On what evidence is the Council satisfied that there is sufficient demand for such new uses in such buildings to avoid buildings being left vacant for long periods. My initial view is that this part of the policy lacks flexibility to ensure that alternative viable uses for such buildings can always be found.

3 **Policy DM12, marine related industries and Dibden Bay**

3.1 Policy CS17(j) of the Core Strategy refers to encouraging the marine sector by retaining suitable employment sites with direct access to the coast for marine related businesses. Policy DM12 in the submitted plan appears to respond to this aim and is subject to changes in Doc 3 to clarify the Council's intentions. The detailed wording of the policy and its effectiveness is likely to be a matter that I will need to explore further.
3.2 Policy CS18 concerns new provision for industrial and office development and related uses. Among the matters which are highlighted under In particular is (f) sites to accommodate marine industries will be identified.

3.3 The following preliminary questions arise:
- What is the Council’s understanding of the intention of CS18(f), bearing in mind what is already covered in CS17(j)?
- How has the Council sought to meet CS18(f) in the submitted plan?
- What evidence has the Council taken into account in assessing the needs of the marine industries and what conclusions were drawn from that evidence?
- What relevant evidence, if any, does the Council draw from the Solent Waterfront Strategy (SEEDA, 2008?). (I have not seen this document, but it is referred to in representations and in the Inspector’s report on the Core Strategy. Please provide a hard copy and make a Core Document.
- How has adequate provision been made for marine related industry?

3.4 Representations made by ABP (rep no 350) seek the allocation of land at Dibden Bay for port development. The Council’s brief response is that the matter is adequately covered in the Core Strategy. Paragraphs 9.15 and 9.16 of the Core Strategy are a factual statement of various matters relating to Dibden Bay.

3.5 ABP highlight that the Council’s consideration of its suggestion for port development at Dibden Bay was not explored by the Council because the Council considered that it did not meet the critical criteria for inclusion (site Dib 01 in Appendix 10 of the Sustainability Appraisals Report). ABP reports that the Council’s explanation for this decision was that there is no policy allocation requirement in the Core Strategy.

3.6 Given the detailed representations made by ABP, I want to better understand the Council’s position before framing my questions for further consideration by all relevant parties.
- Given that policy CS18(f) refers, in particular, to identifying sites suitable to accommodate marine industries, why did the council consider that the suggestion for port development at Dibden Bay did not warrant further consideration in the evolution of the plan?
- What regard has the Council given to the Port of Southampton Master Plan 2009-2030 and the National Policy Statement on Ports, both of which were finalised after the adoption of the Core Strategy? (I note that the previous Inspector gave limited weight to the Port Master plan because of its draft, pre consultation, status.) (Please provide a hard copy of both documents and make Core Documents.)
- how has the Council sought to consider what role land in New Forest District could, or should, play in meeting future port requirements? If not considered in the preparation of the submitted plan, does the Council envisage the issue being addressed in the preparation of a review of the strategic elements of the local plan and is any such review timetabled?
- The NPPF (paragraph 182) requires plans to meet objectively assessed development and infrastructure requirements (unless the circumstances in paragraph 14 are met). In relation to the future requirements of the Port of Southampton, by what process does the Council envisage that objectively assessed needs will be identified? The Council should amplify how it has/will meet the duty to co-operate on this issue (if applicable).
- Given that the Council accepts (as stated in the Core Strategy) that Dibden Bay is the only land physically capable of accommodating significant expansion of the port; the need for the future use of this land identified in the Port Masterplan; the support for such an allocation by
Southampton City Council and business groups; and the regional/national significance of the port, has the Council considered whether it would be appropriate through this or another part of the local plan to safeguard the opportunity for such future expansion? Such a safeguarding need not imply such a use would be acceptable or that it is or would be supported by the Council. (I recognise that the area is subject to several statutory designations which make other development unlikely on the reclaimed land. However, a major port development could have wider implications such as for the road/rail network and adjoining land uses, where development in the interim might hinder the most effective use of Dibden Bay as a port. ABP raise one such potential issue in relation to the allocation at TOT15.)

4. Deliverability

4.1 The plan makes a large number of allocations not just for new housing and employment, but also for numerous small scale highway work, open space and allotments. Most of these are not directly associated with a development site. I need to be satisfied, among other matters, that there are reasonable prospects for the delivery of all these projects over the plan period. What evidence does the Council rely on to demonstrate likely delivery?

4.2 The Infrastructure Delivery Plan (IDP) April 2012 submitted with the Council’s CIL Charging Schedule is relevant. However, it is impossible to quickly relate the projects listed in Appendices A and B with proposals in the submitted plan. Would the Council please prepare, as soon as possible, an amendment to Schedules A and B of the IDP which adds under the policy reference the relevant policy reference (in bold) from the submitted plan. In a separate note, please highlight any transport, open space or similar proposals in the IDP which are not related to a policy, or any such proposals in the plan not included in the schedules and the reasons why. If there is any need to update other information in the schedules please highlight the changes made so that it is clear to all parties. The amended schedules should be a new Core Document.

4.3 To give an overview of the consistency of the housing allocations with the requirements of the Core Strategy, could the Council please provide an expanded version of Table 2 of the Core Strategy showing where all the housing allocations fit the listed locations and categories of housing developments. It would be helpful if this could be provided as quickly as possible.

5. Way forward

5.1 Please let me have the requested additional Core Documents as soon as possible. Please also indicate soon whether the Council intends to pursue the suggested pre-hearing consultation and likely dates (or how long it might be before the Council is able to decide this matter). My requests for explanations on various matters is not intended to trigger the preparation of additional evidence, but seek explanations of how the Council has drawn on existing evidence in preparing the plan. I wish to have the Council’s responses before preparing my list of main issues and questions on which I invite any further comments from all parties. The responses on different topics can be provided when available and need not be held back until all responses are ready. I will liaise with the Programme Officer shortly over the structure of the Core Documents list. The list should be kept to a minimum and only include documents which are specifically relevant to this Examination.

Simon Emerson
INSPECTOR 23 July 2012.