NEW FOREST DISTRICT COUNCIL – LOCAL PLAN (PART 2) EXAMINATION

INSPECTOR’S FURTHER COMMENTS AND QUESTIONS
NOTE 2, AUGUST 2012

This note results from completing my reading of the representations and from preliminary site visits. It seeks clarification from the Council on various matters, in particular being clear as to the evidence relied on by the Council in developing various policies and proposals in the plan. The Council’s responses will be available before I invite all parties to respond to questions in the context of the main issues which I will identify, which will also frame the discussion at the hearings.

1. Green Belt boundary

1.1 Several of the housing allocations include removal of land from the Green Belt. In the Council’s view, do Core Strategy policies CS10(o) and CS12 provide the necessary justification for the principle of releasing land from the Green Belt at various settlements to meet housing needs (ie the exceptional circumstances necessary for altering established boundaries set out in NPPF paragraph 83)? Does the principle of releasing land from the Green Belt to accommodate housing in each settlement in accordance with policy CS12 require any further local (ie settlement specific) justification? If so, where is this found?

1.2 No changes to the Green Belt appear to be made for any long term housing requirements that might need to be accommodated in the Green Belt beyond the plan period. In reviewing the Green Belt, how has the Council addressed the intention in policy CS10(o) to look ahead to 2031 and the requirement in NPPF, paragraph 85? Council to explain its approach fully.

1.3 A large number of very minor changes are made to the Green Belt not directly related to accommodating future development needs. Do such changes need to be justified by exceptional circumstances? Are these changes related in any way (ie triggered by) the proposals and policies in this DPD (other than being included in the plans in Appendix 1). What criteria/process have the Council used to decide on these minor changes to the boundary? Have any such criteria/process formed part of any previously published evidence?

2. Housing allocations

2.1 Has there been any updated evidence of local housing needs since the Core Strategy was adopted? Are there still needs in each of the settlements listed in CS12 which will not be met by existing turnover of affordable housing or other expected provision?

2.2 On what evidence does the Council rely to show that the sites allocated under CS12 (to provide 70% affordable housing) are viable and will come forward for development?

2.3 Some of the allocated sites (including LYM2, RING3, TOT1) are identified in the site-specific assessment in the Sustainability Appraisal (SA) as being used, previously used, or with potential as, back-up grazing and as having commoners rights attached. Such features result in a negative red score in the SA. Council to produce a list of all the allocated sites which are so identified in the SA.

- Do such allocations conflict with policy CS21(f) and, if so, how has the Council weighed this harm both for each site and the cumulative effect of the loss of such sites?
• Is the cumulative loss of such parcels of land significant in terms of the overall availability/distribution of such back-up grazing, the needs of commoners and the management of land within the New Forest National Park?

2.4 Southern Water (rep 354) has identified that for many of the allocated sites there is insufficient capacity for sewerage at the site and accordingly an off-site connection will be required. (Sites include: TOT1, TOT3, TOT6, TOT11, HYD1, LYM1, LYM2, MoS1, NMT2 and NMT3 – Council to highlight any others.)

2.5 In principle, where this situation is confirmed, should the policy for such sites refer to the need for an off-site sewerage connection to the sewerage system at the nearest point of adequate capacity? Is there any more recent evidence for these or other sites? (Any party disputing Southern Water’s assessment should discuss the matter with Southern Water/Council leading to a Statement of Common Ground in due course).

2.6 On some sites, Southern Water has identified existing sewers, mains or other infrastructure crossing the site which will require an easement (precluding building) or diversion. (Sites include: TOT3, HYD1, HYD2, LYM6, NMT1 and NMT2 - Council to highlight any others. As above for any technical disputes.) Should the policy for such sites refer to such constraints?

2.7 Local residents and other interested parties raise concerns about highway safety/local capacity in relation to a number of the allocations (both residential and employment sites).
  • Has each allocation for development been assessed for acceptability in relation to highway matters by the Highway Authority?
  • Is there any analysis already undertaken on which the Council rely other than in the SA?

2.8 What is the status/significance of references to the number of dwellings for each allocation (capacity) expressed either in the policy or only in the text? Are such references intended by the Council to restrain the number of dwellings in an otherwise acceptable development on the site? On what evidence are these capacity figures based?

3. Transport - Waterside railway

3.1 The reinstatement of the railway and 3 locations for stations are set out in Core Strategy policy CS23(f). Has there been any material change of circumstances since the adoption of the Core Strategy concerning the delivery/timing of such reinstatement? On what evidence does the Council rely as to the realistic prospects for reintroducing passenger services on the Waterside line?

3.2 What is the primary purpose in identifying the station locations? Is it to allocate them for development during the plan period or to safeguard the land from other development which would prejudice the provision of a station in the future?

3.3 On what evidence/analysis does the Council rely to demonstrate that the areas allocated for each station (TOT22.3, MAR8.2, HYD8.1) encompass sufficient land to provide operational stations, including related facilities, such as parking for the disabled, drop-off and pick-up area, any other parking, taxi waiting, cycle parking, in so far as these may be necessary and appropriate? (Only HYD8.1
mentions the provision of parking). Would passenger services operate on the existing single track line?

3.5 In relation to TOT15.6, the Council propose an addition after paragraph 3.44 (NFDC2, Ch 3.4) to refer to development not prejudicing long term opportunities to enhance the railway. How/on what evidence would the Council assess such an impact?

4. Landscape features/Open space

4.1 Several representations question the appropriateness of including all or part of particular sites as landscape features identified in Part E, Appendix 1 of the plan. These are sites designated as protected by DM8. Appendix 1, Part A, PM-ALL-A5 states all landscape features previously designated in the Local Plan have been reviewed. On what criteria/by what process have the existing sites been reviewed and the new sites designated? Have these criteria/process formed part of any published evidence?

4.2 If not addressed in response to the above, Council to explain:
- The basis on which land/features have been designated which are outside settlement boundaries (given that most of the designated sites are within settlements).
- The approach to areas which include dwellings/residential curtilages.
- The approach as to the significance of public visibility of the land/feature.

4.3 I understand that the evidence as to the additional requirements for open space by settlement is set out in BP38b Open space Profiles. This document does not appear to refer to allotments. On what evidence have the need for additional allotments in various settlements been identified? The plan makes provision for a number of new substantial areas of public open space and allotments (unrelated to any other development proposals). On what basis have these sites been selected and what alternative sites were considered and rejected?

4.4 In relation to HYD6, paragraph 3.125 says that, in part, the proposal involves the public use of an existing private sports facility. There appears no longer to be any private sports facility on this site (all the land appears to be paddocks). Was the assumed existing facility on this site a factor in selecting this land for allocation? Does the absence of any such facility on the land alter the justification for selecting this land?

4.5 Please indicate which sites proposed for public open space are in public ownership (County/District/Parish/Town Council). Where part of an allocated site is in public ownership please provide a plan to indicate which part. (BP38b refers to part of the Local Plan allocation off Mullins Lane, Hythe as having been acquired - p20- and to half of NM-13 at New Milton being in Council ownership – p54). Some private landowners appear opposed to the proposed use (eg HYD6, HYD7, NMT12a). On what basis does the Council consider that there are reasonable prospects of implementing such proposals? Is the cost of land acquisition included in the costs in NFDC4 (the update of the IDP)?

4.6 Requirements for new open space/allotments are included in proposals for new housing allocations. Whilst for some allocations (usually the smaller sites) this requirement is directly related to that required as a result of policy CS7 (open space standards), on the larger sites it appears that additional open space provision is being required to meet existing deficiencies (eg TOT1, MOS1 - in the submitted plan, RING1, FORD1 and others in relation to allotments). Is the Council expecting the developer of the residential element of the proposals to
provide open space/allotments beyond that required by the CS7? If so, on what basis is this justified? If not, how will the additional open space/allotments be delivered?

5. Other matters to clarify:

5.1 TOT12 The Council proposes a change (NFDC2, Ch 3.10) to remove the employment allocation from covering the access road/visitor parking and associated land serving the football club. Many representations refer to an extant requirement in a unilateral undertaking (2008?) concerning the provision of open space/car parking on part of the allocated employment area in the submitted plan. Does this unilateral undertaking relate to the land now proposed to be removed from this allocation or does it extend over land still proposed to be allocated?

5.2 RING4.1 and TOT15.2 are town centre car parks identified as town centre opportunity sites for retail development. On what evidence is the Council satisfied that there would remain sufficient car parking to serve the needs of the respective town centres if these sites were developed?

5.3 TOT15.2 (Library Road car park) would appear to come within the area defined as subject to TOT16 (Civic building complex) (p173 of Appendix 1). The latter policy limits the uses in this area and does not include retail. How are the 2 policies intended to operate? Are the 2 policies compatible?

5.4 What is the main aim of policy TOT16 - the protection of visual civic character or buildings for public services? What happens if, in the future, there are not sufficient operational public services to make effective use of this town centre land/buildings? Is the policy sufficiently flexible to accommodate change?

5.5 TOT20 The Hants and IOW Wildlife Trust refer to this site as a SINC. It is not shown as such on the Proposals Map. Has it been identified as a SINC since that map was produced? If it is a SINC, will public open space use be compatible with retention of the qualities which led to its recognition as a SINC?

5.6 LYM2 Is the site/would the development be visible from the National Park boundary to the north and if so what is the significance of this visibility (SA Appendix 2 indicates No. Rep 389 Wates Developments, Site Appraisal by WYG indicates Yes –see their appraisal plan.) What assessment did the Council make of the affect of the development on the setting of the Buckland Conservation Area?

5.7 NMT1 Representation 327 highlights repeated flooding in the vicinity of this site and flood water storage and/or escape over the proposed site. The SFRA identifies a Localised Flooding Area which appears to encroach on part of the site (NFO18 surface run off and gulley overflow in SFRA, Tile G, Background Paper 28), but flood risk is not acknowledged in the SA. What conclusion does the Council draw from the SFRA (and any other local knowledge) as to flood risk on and around this site? Has flood risk been adequately taken into account in selecting this site? Should the policy requirements for this development address any flood risk?

5.8 SOP1 To understand the Council’s position prior to posing questions for discussion, Council to explain:
- What is the problem or harm that the Council is seeking to address by having a policy for this particular site?
- What is the primary objective of the Council in encouraging redevelopment?
- Why is agriculture and forestry the required primary future land use?
- Why do all existing buildings need to be removed as part of any future development?
- Why is the nature and scale of redevelopment to be capped at that necessary to achieve financial viability (ie assessed as enabling development) rather than being assessed solely in relation to physical planning considerations (openness of the Green Belt; visual and traffic impact etc)?
- How is the policy consistent with NPPF in relation to Green Belts, particularly paragraph 89?

Council to provide a copy of the decision on which paragraph E11.20 of the adopted Local Plan (S21) is based (The Secretary of State has supported the view…) and any assessment of the appropriate policy for this site made by the Inspector conducting the last Local Plan Inquiry.

5.9 FORD1 The SA of this site does not refer to proximity (5km) to the Dorset Heaths SPA (Annex 2 p 94), but other (rejected) sites (eg FORD 02/FORD 19) on either side are said to be within 5km. Has the SA correctly addressed this point? If not, the impact will need to be assessed.

5.10 ASH1 Does development of this site require access over land in the ownership of 6/9 Jubilee Crescent (see rep 348)? Council to provide a copy of the appeal decision referred too in rep 348 regarding land to the rear of 4 Jubilee Crescent.

I would hope that a response to most matters could be provided by 24 August. I will need a response on all matters before I can finalise the list of questions on which further comments are more generally invited and which will frame the discussion at the hearings. To allow for the receipt of paper copies of any supporting material to which the Council may refer, the deadline for responding is no later than 17 September.

Simon Emerson
INSPECTOR
9 August 2012.