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

Inspector’s Note 3 - Further comments on DM8 and Open Space/Allotment Allocations

1. I have considered the Council’s responses to my earlier notes in relation to the above matters (Responses in NFDC1 and 8). I have prepared this note to highlight particular concerns about the soundness of some policies/allocations in the light of my current understanding of the Council’s position. Whilst I anticipate including questions on these matters in my list of questions for further comment to be published at the end of September, I wanted to alert the Council at the earliest opportunity to potential, fundamental, concerns.

Policy DM8

2. The Council has confirmed that there has been no review of the selection of sites to be shown on the Policies Map as being subject to policy DM8 compared with the sites shown on the existing Proposals Map under Local Plan policy DW-E12. It is understood that some boundaries have been amended. The new policy in the plan (DM8), the complete removal of all the existing landscape feature designations (Appendix 1, Part A - PM ALL A5) and the addition to the Map of all the sites within Appendix 1, Part E of the submitted plan mean that the policy and the land to be designated have to meet the test of soundness, including being justified.

3. There appears to be no evidence to demonstrate why the particular sites shown in Appendix 1, Part E of the submitted plan are to be designated as DM8 sites and why they meet the terms of the policy. On what basis does the Council invite me to conclude that the policy and the designated areas are justified? And on what basis does the Council invite me to respond to representations questioning the appropriateness of the designation of certain sites, in the absence of any clear criteria for their selection?

4. The fact that a new policy and designation largely reflect those previously included in an old style Local Plan is not normally sufficient justification for inclusion in a new plan, which is subject to the test of soundness. Core Strategy policy CS3 c) refers to a review of Landscape Features.

5. The following procedural options would seem open to the Council:
   a) Undertake a review of the designated areas on the basis of objective criteria for selection. The result of any such review would need to be available for public comment. This would not seem practical in the time available and may, in any case, represent a disproportionate effort.
   b) Delete the reference in policy DM8 to the Proposals Map and the proposed designations in Appendix 1, Part E. But the policy would then lack substance and may need amplification as to the type of features to be protected. This would reinforce what I see as an overlap with policy DM9.
c) Delete Policy DM8 from this Plan (and all the sites in Appendix 1, Part E) and retain the existing Local Plan policy and related designations on the Proposals Map for subsequent review in the next Local Plan.

6. If the Council wish to rely at the hearings on additional evidence/justification then this would need to be available before the 27 September so that it can be taken into account in my final questions and by other parties in responding to those questions. If the Council accepts that the present position is unsatisfactory and decides on an alternative remedy it should also let me know by 27 September.

**Policy DM7**

7. The concern set out above also applies in relation to the justification for the land designated under policy DM7. Although many of the existing sites are retained on the Proposals Map many new sites are proposed to be added in Appendix 1, Part D. Whilst the identification of public open space, private recreation land, playing fields, sport grounds and school playing fields should be more straightforward and objective than selecting landscape features, nevertheless there should be a clear statement as to the criteria such sites have to meet and the reasons for the selection of individual sites in relation to those criteria. Such criteria/assessment can then be used in considering any disputes as to the appropriateness of the designations made. (In Appendix 1, Part D some of the new areas to be subject to policy DM7 are stated to meet the criteria for informal open space. The criteria used should be published, as well as the reasons why individual sites satisfy the criteria if a judgement has had to be made about which criteria are met.)

**Policy DM9**

8. I have a number of matters I want to explore further in relation to DM9, including: its purpose and any overlap with DM8; the appropriate role of SPD; and the clarity of terms used in the policy and related text. I will include these in my list of final questions, but have no clear steer to give the Council at present.

**Proposed allocations for new open space and allotments (separate from housing allocations)**

9. I previously asked on what basis these various sites have been selected and what alternative sites were considered and rejected. The Council’s response indicates that most of these sites have been carried forward from the existing Local Plan and that for the new sites there were no appropriate alternative sites that could reasonably be considered.

10. There are 2 elements to the necessary justification for these allocations. Firstly, the existing local needs, for which there is evidence and this can be explored further as necessary. Secondly, the reason for the selection of specific sites to meet that need. My present concern is with the latter aspect.

11. My concern is the same as for policy DM8: on what basis does the Council invite me to conclude that the allocations are justified? And on
what basis does Council invite me to be able to respond to representations questioning the appropriateness of the allocation, in the absence of any clear criteria for their selection?

12. The fact that a new policy/allocation reflects one previously included in an old style Local Plan is not normally sufficient justification for inclusion in a new plan, which is subject to the test of soundness. Furthermore, previous allocations proposing a new use, such as public open space or allotments which have not been implemented would seem to warrant particular scrutiny by the Council as to their effectiveness before being rolled-forward in a new plan. The SA of these allocations is of little assistance. The assessments generally score positively as a result of the recreational benefits which would arise, but such benefits are not site specific.

13. The justification for the allocation of some of these sites may be relatively straightforward (such as public ownership/acquisition for the intended purpose), but nevertheless needs to be clearly stated. A fuller explanation is needed for sites in private ownership where the owner (or others with an interest in the land) are not supporting the allocation, and for the choice of new sites (including the extension to the existing local plan allocation made in HYD6). Whilst the Council may consider that there are no alternatives to some of the sites, this can only be judged on the basis of explicit criteria/attributes used for identifying the chosen sites and some testing of those against other land.

14. If the Council wish to rely at the hearings on additional evidence/justification then this would need to be available before the 27 September so that it can be taken into account in my final questions and by other parties in responding to those questions. If the Council accepts that further work is needed, but that it can only be completed after the hearings, it would also be helpful if the Council could explain its position by the 27 September.

15. Finally, the following questions are matters I intend to include in my final list of questions but are relevant to raise now as the Council has highlighted the importance of additional open space provision in relation to the protection European sites. Paragraph 3.56 of the Plan (in reference to allocations TOT19 and TOT20), paragraph 3.127 (in reference to HYD1, 2, 6 and 7) and paragraph 4.130 (in reference to NMT9, 10 and 11) indicate that these open space proposals (as well as the provisions included as part of housing allocations) will make a contribution to the mitigation strategy to address recreational impacts of new housing on internationally designated nature conservations sites. Is the delivery of these independent open space proposals required for allocated housing in the Plan to be acceptable under the Habitats Directive? Do they have to be provided in step with the additional housing in each settlement? If so, should the provision of these sites be highlighted in the relevant housing allocations? What would be the consequences of a failure to implement any of these open space proposals?