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

Inspector’s Final Questions on the Main Issues

NB. This version (issued 12 December) corrects 2 errors
- the reference to site NMT12a (Q5.17) is corrected to NMT12b;
- the reference to site SAND1 (Q10.14) is corrected to ASH1.

These questions relate to the list of issues previously identified. The hearings programme takes some issues out of sequence, so please see the latest hearing programme for the running order.

The deadline for responding to these questions is Friday 25th January 2013
(including receipt of the paper copies.)

These questions focus on those matters on which I seek further understanding. They do not cover all the matters raised in representations, since it is not my aim to invite repetition of the material already submitted. The questions will also form the structure for the hearings, but it may not be necessary for all questions to be discussed and for some questions there are no hearing participants.

On some issues, the questions repeat questions previously put to the Council in my Notes 1, 2 and 3, so that other parties have the same opportunity as the Council to respond on important points. Parties may wish to have regard to the Council’s responses in NFDC 1, 8, 9, 10 and 11 (NFDC 13 is pending). Where the Council does not wish to add to the responses already given, reliance on the previous statements can simply be noted. Similarly, a representor may consider that the questions relevant to their concerns have been fully addressed in their original representation. If that is the case the position can simply be noted. Repetition and duplication of evidence is unhelpful.

1. **Procedural and Regulatory Matters** (Questions as previously listed in the note on main issues.)

1.1 Has the Local Plan (Part 2) been prepared in accordance with the Local Development Scheme (LDS) and have the relevant details in the LDS been met in respect of the role, rationale and scope of the plan?

1.2 Has the Local Plan (Part 2) been prepared in compliance with the Statement of Community Involvement (SCI)?

1.3 Did preparation of the Local Plan (Part 2) comply with the relevant Regulations in relation to the publication of documents, advertising and notification?

1.4 Has there been sufficient regard given to the Sustainable Community Strategy (SCS)?

1.5 Has the Local Plan (Part 2) been subject to sustainability appraisal (SA)? Does the SA show how different options perform and is it clear that sustainability considerations informed the content of the Local Plan?

1.6 Have the requirements of the Habitat Regulations been satisfied?

1.6.1 The *Habitats Regulations Assessment of the Submission Document* (Doc 12, July 2012) sets out in the second half of page 50 (section 4) the basis for the favourable conclusion made in the assessment. It indicates that the following
recommendations made following the appropriate assessment of the Core Strategy must be implemented through the Sites and Development Management DPD, namely:

- Promotion of the role of green infrastructure and commitment to resourcing its delivery; and
- Appropriate levels of open space provision within new development and addressing shortfalls in existing provision.

It also indicates a further matter to be implemented through SPD.

1.6.2 I raised questions about the relationship between open space allocations and residential development in my Notes 2 and 3 and the Council’s responses are in NFDC 8, 91-96 and NFDC 11, 16-20. Paragraph 20 appears to indicate a degree of flexibility about open space delivery which is not part of the Appropriate Assessment.

1.6.3 The following questions arise:

Is the delivery within the plan period of all the open space proposals allocated in the Local Plan (whether as part of housing allocations or as stand-alone proposals) necessary for the Plan to meet the requirements of the Habitat Regulations?

If so, what are the prospects for delivery? Should there be any direct linkage between housing delivery and the delivery of open space—either where housing and open space form part of the same allocation or between housing allocations and freestanding open space allocations. Should any linkage be on a settlement, area or district-wide basis?

The Council highlights the importance of monitoring (NFDC 11, paragraph 20)–should the Local Plan include specific monitoring indicators and targets on this issue?

A number of required mitigation mechanisms are to be delivered outside the scope of the Local Plan (NFDC 11, Table 3—eg reference to implementation processes). What progress has been made and what are the prospects for successful implementation?

What progress is being made on cross-boundary mitigation measures and what is the timetable for their implementation?

1.6.4 Natural England raise 2 detailed concerns (letter 17 September 2012) regarding the Habitat Regulations in relation to the approach taken to development on allocation LYM6 and in relation to Appendix 5 of the Habitat Assessment (Doc 12). I would urge the Council to seek to overcome these concerns before the hearing or if they remain unresolved to set out why these concerns do not undermine compliance with the Regulations.

1.7 Is the Local Plan (Part 2) in general conformity with the Regional Strategy?

1.8 Has section 110 (duty to co-operate) of the Localism Act 2011 been met?

1.8.1 In my note seeking Statements of Common Ground I raised questions regarding the duty to co-operate and any cross boundary implications of the proposed urban extension to Christchurch (proposed in the emerging Christchurch Borough Core Strategy), particularly in relation to a possible renewable energy centre and/or SANGS. These questions have been helpfully addressed in SCG4. On the evidence before me, I am currently satisfied that
New Forest Council’s duty to co-operate in relation to the urban extension has been met.

1.8.2 The remaining main matter in dispute relating to the urban extension is one of soundness rather than regulatory compliance:

Does the requirement of the NPPF for strategic planning across local boundaries mean that the Local Plan should address the potential cross boundary implications of the proposed urban extension to Christchurch relating to SANGS? Given the context outlined in SCG4 what would be the purpose in doing so and what should the Plan say?

(1.8.3 The duty to co-operate in relation to the needs of the Port of Southampton is raised in the questions on sub issue 4.2.)

1.9 Is the Local Plan (Part 2) consistent with, and not in conflict with, the adopted development plan (explored further in the issues below) and where it is intended to supersede policies in the adopted development plan does it correctly identify the policies to be superseded?

2. Green Belt

**Issue: Are the proposed changes to the Green Belt boundary made in the Plan justified, consistent with the Core Strategy, particularly policies CS10 and CS12, and with the NPPF?**

2.1 I raised some of these questions in my Note 2 to the Council. The Council’s response is in NFDC 8, paragraphs 2-28.

2.2 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 (i.e., the exceptional circumstances necessary for altering established boundaries set out in NPPF paragraph 83)? Does the principle of releasing some land from the Green Belt to accommodate housing in each settlement in accordance with policy CS12 require any further local justification and, if so, what is that justification?

2.3 Should this Local Plan remove land currently in the Green Belt for any long term housing requirements that might need to be accommodated in the Green Belt beyond the current plan period (post 2026) so that Green Belt boundaries do not need to be changed again at the next plan review. (Any such land would not, however, be allocated now for housing). If so, on what basis could the scale of any such release be judged?

2.4 A large number of 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? (Questions 2.4-2.6 are concerned with minor changes or potential changes to the GB boundary where no allocation for development is proposed or sought).

2.5 Are these changes related in any way (i.e., triggered by) the proposals and policies in this DPD (other than being included in the plans in Appendix 1). Do these small scale changes (or possible changes) relate to the soundness of the plan?

2.6 On what basis/criteria have the Council put forward these changes and do other small scale changes suggested in the representations meet these criteria?
Council to consider the minor changes to the Green Belt boundary raised in representations and indicate whether they are justified or not and why.

3. Housing

**Issue:** Are the allocated housing sites consistent with the Core Strategy, particularly policies CS11 and CS12 and with the NPPF; will they ensure delivery of the required scale of housing in appropriate locations and are the requirements of each policy justified and effective?

3.1 Particular questions on individual housing allocations are set out under settlement headings and the allocations will be discussed at the hearings by settlement. Below are general questions on housing.

3.2 Does the NPPF or other changed circumstances require the Council to have undertaken a fresh assessment of housing needs and provision to ensure soundness or is reliance on the Core Strategy still appropriate? How/when is the Council anticipating reviewing strategic matters such as housing requirements?

3.3 To what extent does Core Strategy policy CS12 require housing sites to be allocated to meet identified local needs. How does the wording additional sites will be (emphasis added) identified adjoining the main towns and villages relate to the flexibility of up to around? Does the wording of CS12(g) require at least some provision to be made at each of the settlements listed in the 2 parts of (g)?

3.4 If any site allocated under policy CS12 were to be found unsound because of site specific factors, would it be essential for soundness for an alternative site of similar scale to be selected as a replacement site?

3.5 Paragraph 2.104 of the Plan indicates that the status of the capacity figure for allocated sites set out in supporting text is indicative/a guideline/not a policy objective. Is any revision of these figures (as sought by some landowners/developers) necessary for soundness? Is the status different if any capacity figure is referred to in the allocation policy itself?

3.6 The allocations made in the Local Plan in accordance with policy CS12 of the Core Strategy refer to policy CS15(b) and state that 70% of the dwellings provided will be affordable. Policy CS15 allows for the type and percentage of affordable housing provided on a site to take account of the viability of delivery. Is this element of CS15 intended to apply to the allocated sites? Would an inability to deliver 70% affordable housing affect the justification for the development of an allocated site (especially sites removed from the Green Belt) or affect the merits of the allocation in respect of rejected alternatives? Does the general wording of the site allocation policies reflect the Council’s intentions on this matter?

3.7 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). 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? (Any party disputing Southern Water’s assessment should discuss the matter with Southern Water/Council leading to a Statement of Common Ground by the response deadline). The Council’s view is in NFDC 8, 44-48.
3.8 I have previously sought clarification from the Council as to the justification for and intended delivery mechanisms for the elements of new open space and allotments which are included in some of the housing site allocation policies which are over and above a pro-rata application of the open space standard required by Core Strategy policy CS7 or are to meet existing local needs. The Council’s response is in NFDC 8, 91-96. Related questions are set out above under Regulatory matters in respect of compliance with the Habitat Regulations.

3.9 Where reference is made in housing site allocation policies to recreational provision over and above the application of the CS7 standard or to the provision of allotments to meet existing community needs, are the policies intended to secure such provision as a requirement of permission for the housing element of the development funded by the developer, or is it solely that some of the land within the allocation is intended for wider recreational use to be delivered separately?

3.10 If the intention is that such additional recreational provision is necessary to make the housing element acceptable, is such a requirement justified?

3.11 Does the wording of the policies reflect the Council’s intentions/or what is otherwise justified and necessary?

Sub Issue
Does the plan make adequate provision for gypsies, travellers and Travelling Showpeople?

3.12 Is TOT 10 available, suitable and deliverable to ensure provision of the planned 8 pitches before 2016? Does this allocation overlap with the land covered by the S106 undertaking relating to the development of the adjoining football ground?

3.13 NFDC 1, paragraph 38 refers to a Hampshire-wide assessment of the accommodation needs of travellers with a report expected before the end of 2012. Has this assessment been completed/published? (If so please make a Core Document.) What are its conclusions in relation to the New Forest? Have the conclusions of the assessment been the subject of consultation with interested stakeholders, particularly the local traveller community?

3.14 If the assessment has been completed what are the implications for the provision of sites through the development plan? Would TOT10 still ensure compliance with national policy in relation to ensuring that there is a 5 year supply of sites for travellers?

3.15 NFDC 1, paragraphs 44-45 explains why no allocation has been made to meet the needs of Travelling Showpeople. Is this approach consistent with national policy and, if not, what are the consequences? Is any site specific provision for Travelling Showpeople being made in the National Park?

Additional questions on various housing allocations are listed towards the end of this note.

4. Employment/Economy

Are the allocated employment sites consistent with the Core Strategy, particularly policies CS17 and CS18, and with the NPPF; will they ensure delivery of the required scale of employment in appropriate locations and are the requirements of each policy justified and effective?
Totton

TOT11 Eling Wharf

4.1 Does the policy provide sufficient flexibility to ensure that a viable development can be achieved? What are the prospects for delivery?

4.2 How/where will existing uses be accommodated?

4.3 What reliance/expectation is the Council placing on this site as a contribution to employment provision in Totton?

4.4 The Council proposes (NFDC2, Ch 3.3) to delete the reference to compensation in the policy in the context of the potential impact on the Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC. This appears necessary for legal compliance, as advised by Natural England (rep 9404h). Any further comment?

TOT12 and change NFDC2 Ch 3.10

4.5 TOT12 appears to be the subject of a S106 undertaking arising from the development of the adjoining football ground (and/or related development) which requires the provision of open space on the allocated land. Council to explain whether this undertaking is still extant, what it requires and why the Council is not seeking its implementation. (Please provide any relevant plan.)

4.6 Is this land still required to meet open space deficiencies in Totton? There is a scheme in the IDP (TOT95) for £150,000 at Testwood House Farm - what land does this scheme relate to?

4.7 Even if the S106 was set aside what area would, in practice, be available for employment development? Would protected trees/woodland on the site be retained?

4.8 Does dealing with any ground contamination place at risk the delivery of this site for employment use?

TOT13

4.9 Are there reasonable prospects for development associated with food production and processing and ancillary training on this site as proposed in the policy?

General questions for employment in Totton

4.10 Are the employment allocations consistent with the requirements of policy CS18 of the Core Strategy and the needs of the town?

4.11 Given the specific reference to 5ha of employment land at Totton, how has this been met? What has changed to justify what appears to be a more cautious approach?

4.12 If the requirements of CS18 are not adequately met, are there suitable and available sites which could be allocated?

Ringwood
4.13 Is the allocation of **RING2** for employment development justified by evidence of need over the plan period in the light of the owner’s evidence of apparent lack of current market interest (Rep 546)? Is the allocation consistent with NPPF paragraph 22? Would a mixed use development be justified?

**Marchwood**

**MAR5, MAR6 and MAR7**

4.14 The requirements of these adjoining allocations appear to differ in relation to similar issues:

4.14.1 MAR 5 refers to *retention of the wharf*; MAR 6 refers to areas adjoining the waterfront being reserved for marine-related uses which require direct access to the water; MAR 7 does not specify any requirement in relation to retention of wharf/marine uses. Council to explain the reasons for the different wording. Are the requirements appropriate and justified? Is MAR 6 consistent with the proposed change to DM 12?

4.14.2 Are the requirements relating to the waterfront consistent with any provisions affecting these sites in the Draft Hampshire Minerals and Waste Plan, including any proposed changes?

4.14.3 MAR 5 and 6 promote development/redevelopment and intensification of employment uses and there is no reference to traffic impacts. MAR 7 does not appear to promote any greater use of that site, links use of the wharf to use of the railway and states that existing traffic should not exceed currently low key uses. Council to explain the reasons for the different approaches. Are the different approaches justified?

4.14.4 MAR 5 refers to the retention and enhancement of existing landscape features to screen the site and enhance biodiversity. MAR 6 and 7 do not. Council to explain the reasons for the requirement in MAR 5. Is the requirement justified?

4.14.5 What is the purpose of the cycle route required in MAR 5? Is it required as a result of employment proposals in MAR 5 or for other purposes? Is it a reasonable requirement of the rest of the proposed development?

**MAR 7**

4.15 On what evidence/analysis has the policy been based? (Explored further below.) What alternative approaches were considered by the Council? *(I have seen no evidence to justify or explain the policy approach taken and I am therefore concerned that the policy maybe unsound.)*

4.16 Is the policy and supporting text now consistent with the Government’s intentions for the Marchwood Military Port? *(Parties should have regard to the Ministerial Statement of the Parliamentary Under-Secretary of State for Defence on 12 July 2012 about the future of the Marchwood Sea Mounting Centre and any subsequent statements.)*

4.17 What is the purpose of safeguarding the site for Military Port use given that the Government controls the site and has decided that it should be retained for this purpose? Would a change from military to civilian use of the port (including part civilian use) come within planning control?
4.18 Should the site be safeguarded primarily for future port/marine uses?
   • To what extent has the Council considered the need for such future uses in determining the policy for the site?
   • Would suggested other uses on part of the site, such as residential, be compatible with continued or expanded port operations?

4.19 What evidence justifies limiting overall traffic impact to that of the current low key military use and of any use of the wharfage having to utilise the railway line (or to maximise its use – NFDC2, ch3.7)?

4.20 What is the justification for the boundary of the proposed allocation/site, bearing in mind the existing larger area shown on the Proposals Map (MAR-4 in the Local Plan), the boundary of the Military Port shown by the MOD (rep 263f) and the position of the security fence (rep 350)?

4.21 Are the other requirements/intentions of the policy appropriate and justified?

Marine industries (sub issue 4.1)
DM12 and proposed changes NFDC2, 2.9, 2.10, 2.11 and 2.12
LYM7 (Ampress Park)

4.22 Has the plan taken appropriate account of the needs of marine industries? (The questions below are not intended to relate to any major needs of the Port of Southampton, which are considered separately.)

4.23 What are the critical requirements for marine industries, particularly in relation to access to wharfage/boat launching and does the plan adequately respond to those needs? In this regard are the Council’s proposed changes to DM12 necessary for soundness?

4.24 Are the identified sites covered by DM12 appropriate? Do they provide opportunities for marine industries?

4.25 Is the last sentence of policy DM12 in the submitted plan justified and necessary? Why has the Council proposed its deletion?

4.26 Should the plan indicate that marine related businesses are acceptable on other (eg inland) employment sites?

4.27 Does the plan make adequate provision for marine industries in the Lymington area?

4.28 Does the plan make adequate provision for managed work space and the needs for small firms in the Lymington area? What are the prospects of delivery for the managed workspace on Ampress Park required by LYM7?

The needs of the Ports of Southampton/Dibden Bay (sub issue 4.2)

4.29 Is the plan sound (and regulatory compliant) in the absence of any explicit consideration of the long term needs of the Port of Southampton and of whether land at Dibden Bay might have a role in meeting any future needs? Explored further below. (I have slightly amended the wording of the main question on this issue.)
4.29.1 Is this Plan (and the work for its preparation) the necessary and appropriate part of the overall Local Plan/development plan in which to consider the long term needs of the Port in New Forest District?

4.29.2 Has the Council’s Duty to Co-operate (so far as applicable) been met in relation to assessing and responding to consideration of the future needs of the Port of Southampton?

4.29.3 How does the Council envisage the future needs of the Port being assessed and then addressed (in so far as appropriate) in development plans relating to the Solent?

4.29.4 Does the Core Strategy require/imply that the Allocations DPD would address the needs of the Port? Do the major needs of the Port fall to be considered under CS18 (f) and thus also under DM12?

4.29.5 Does the publication of the NPS on Ports, the NPPF and the Port of Southampton Masterplan require any different approach to the needs of the Port in the preparation of this Local Plan to that set out in the Core Strategy?

4.29.6 Would any major proposal for port development at Dibden Bay be a national infrastructure project and thus subject to the procedures in the 2008 Act? If so, what is the role/significance of the development plan in such cases?

The questions above focus on the process/preparation of the Plan in relation to this issue. If I were to conclude that there were significant shortcomings on these matters, I would ask the Council to undertake further work. I am not seeking to address directly at this hearing whether Dibden Bay should be allocated for port use. If there were shortcomings in the process/preparation underpinning the Local Plan resulting in further work, that question may need to be addressed at a subsequent hearing.

4.30 Should the plan safeguard the potential for the land at Dibden Bay to be used in the future for port development (given that the Core Strategy recognises this as the only location for major port expansion), without suggesting that any such development would be acceptable?

Sub Issue 4.3: Retail and town centre development (DM14, DM17, TOT15.2, TOT18, LYM8, NMT8.1, RING 4/4.1) (Participants please note that this matter is programmed in the hearings out of sequence.)

4.31 Does the plan make appropriate provision for retail and town centre development?

4.32 Is policy DM14 consistent with the NPPF, particularly the sequential approach (eg the acceptability of retail uses within the defined town centres and a sequential approach beyond town centres, subject to an impact test above a specified threshold).

4.32.1 What is the justification for specifying that development over 1,000 sq m should be within 300m of the primary shopping area? (Given the varying size and shapes of the primary shopping areas and defined town centre boundaries for the centres in the New Forest the 300m zone varies widely within and beyond the defined town centres.)

4.32.2 Why does the policy limit retail development outside town centres, in effect, to only that which would complement town centre provision? (It appears to set aside the sequential approach/justification for sites beyond town centres in national policy.)
4.32.3 Is the threshold of over 1,000 sq m for an impact assessment for development outside towns centres justified?

*I have concerns about the soundness of this policy. The Council is invited to consider revisions to the policy and to include revised wording in its response statement for discussion at the hearing.*

**DM17**

4.33 Is DM17(d) (concerning residential development within town centres) sufficiently flexible and clear as to its application?

**Town centre allocations**

4.34 Are the policies for town centre opportunity sites (TOT15, LYM8, NMT8 and RING4) intended to imply that residential development should not be a primary use? If so, is this justified given that residential is an acceptable town centre use, if not, should the wording be more flexible? Are the references to the primary uses on such sites referring to ground floor uses? If so, should this be made clear?

4.35 Would implementation of TOT15.2 result in a harmful loss of car parking?

4.36 The Council states (NFDC8, 105) that it is not its intention for any development on **RING4.1** to result in a loss of car parking. Is it necessary for soundness to make this clear in the policy?

4.37 Is identification of a retail opportunity site at **RING4.1** justified in terms of need? Would it undermine in the short/medium term further investment in the primary shopping area?

4.38 Should the Royal Mail Post Offices/sorting-delivery offices be identified in LYM8 and NMT8 as opportunity sites given the intention of the landowner/operator (rep13a)? If so identified, should the need for replacement facilities also be highlighted?

**Other retail policies**

4.39 Paragraph 3.49 of the Plan indicates that non retail uses occupy some 55% of the street frontage. Policy **TOT18** requires a minimum of 45% of the street frontage to be retained in retail use which would maintain the existing situation. Section 5 of the Town Centre Review (BP42) indicates a high level of vacancy in this area and that the proposed policy at that time was to allow for greater flexibility in the types of uses. Does TOT18 effectively express the Council’s stated intentions and is it justified?

4.40 Should paragraph 3.50 refer to DM19 or DM18?

**5. Open space and green infrastructure**

*Are the policies and proposed designations and allocations justified and consistent with the Core Strategy, particularly policy CS7, and the NPPF; and are there reasonable prospects for delivery?*

**Sub Issue 5.1 - policies DM7, DM8 and DM9.**
(See Council’s position in NFDC 1, 12-28; NFDC 8, 70-96; NFDC 11 and NFDC12. NFDC13 is awaited.)

**DM7**

5.1 Is the submitted policy consistent with NPPF paragraph 74?

5.2 Is proposed change (NFDC2, Ch 2.5) necessary to make the policy sound? Is the reference to loss of existing open space in the proposed change intended to cover all the types of recreational land listed at the beginning of the policy? If so, should this be made clear?

5.3 Is paragraph 2.30 appropriate/justified? The Council proposes its deletion (NFDC2, Ch 2.6). Is its deletion necessary for soundness?

5.4 Are all the sites designated on the Proposals Map under this policy justified/consistent with its stated aim?

**DM8**

5.5 NFDC 11 paragraph 4 indicates that the Council’s preferred course is to withdraw policy DM8 from the plan and rely on the existing local plan policy DW-E12 pending a fuller early review of the designations (see also NFDC 12, Ch 2.24 and 2.25). My preliminary view is that there is not the evidence to justify the current policy and designations. They are therefore unsound and would need to be deleted from the submitted plan. Any further comment?

**DM9**

5.6 What is the primary purpose of this policy and the features listed? What is it intended to achieve in addition to policies DM7 and DM8 (or, if this is withdrawn, DW-E12)?

5.7 Are the references to the Green Infrastructure Strategy appropriate? (My preliminary view is that the first sentence of the policy appears to give a blanket policy endorsement to all the areas that will be in the future SPD which is inappropriate, whereas the penultimate sentence rightly indicates that the future SPD will provide guidance on the features listed in the policy. The contents of the previously published draft SPD are not a matter before me in this Examination).

5.8 Is the terminology used in the policy and related text clear and justified? (For example: DM9 refers to wedges of countryside extending into the settlement. Paragraph 2.39 refers to green lungs extending into towns and green wedges separating settlements, but separation of settlements is not mentioned in the policy).

5.9 Since DM8 includes features important to the setting of settlements (NFDC8, 73), should any green wedges or lungs be identified in the plan under DM8 (or now, in the intended future revision of DW-E12) rather than in SPD?

**Sub Issue 5.2: Open space/allotment allocations (unrelated to residential allocations)** (see also questions under Regulatory matters relating to the Habitat Regulations)

The Council’s explanation of the need for new provision and for the selection of the sites is in NFDC 11, 10-15 and Appendix C. The primary evidence of need for different types of open space in each settlement is the Open Space Profiles (BP38b).

**HYD6**
5.10 Is the selection of this land for open space justified? Are there any alternative sites to meet identified needs? Is the whole of the proposed area required to meet the identified need?

5.11 Are there reasonable prospects for implementation of this proposal given the representation from the owners of part of the land (rep 373a)

HYD7

5.12 Is there a clear need for additional informal open space in this area? (The Open Space Profile pp19-20 does not appear to identify any such need.) If there is a need, is the selection of this land for informal open space justified? Are there any alternative sites to meet any such need?

5.13 Are there reasonable prospects for implementation of this proposal given the representation from the owners of part of the land (rep 123)

5.14 How would public access to the land be achieved?

NMT11

5.15 Is the selection of this land for informal open space justified? Are there any alternative sites to the need?

5.16 Is the allocation deliverable? Is the Council’s suggested change (NFDC 11, paragraph 14) required for soundness?

NMT12b

5.17 Is the allocation deliverable given the stated intentions of the company with an interest in the land (rep 364a)?

6. Transport Proposals

Are the transport proposals/allocations consistent with the Core Strategy, particularly policy CS23 and the NPPF; will they assist delivery of the Hampshire Local Transport Plan and are the details of the proposals justified and effective?

6.1 Do all the proposals have realistic prospects of delivery in the plan period?

6.2 Which of the schemes are in a current programme of work with a planned implementation date?

LYM 10.6

6.3 Why is the current footway unsatisfactory?

6.4 Are there realistic prospects of securing any needed improvements in the plan period?

RING 6.11

6.5 Are there realistic prospects of securing delivery in the plan period?

Waterside railway
6.6 See Council’s position in NFDC 8, 62-68. The Council needs to include in the schedule of further changes its suggested revised text for Local Plan paragraph 3.5 and the intended amendment to allocation T22.3.

6.7 Does the plan adequately justify and explain the position in relation to the safeguarding of land for 3 stations (TOT22.3, MAR8.2, HYD8.1), if the Waterside line were to be re-opened for passenger services?

6.8 Should the plan make clear that the extent of land required for new stations as well as their location may need to be reviewed during the plan period in the light of any more detailed evidence or proposals for passenger services?

6.9 Is there a need to safeguard all or part of TOT15.6 for improvements to the railway so as to enable much greater use of the Waterside line in the future? Is it premature to identify this land as an opportunity site for redevelopment? (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.)

7. Are the other Development Management Policies consistent with the Core Strategy and the NPPF and would they be effective in achieving their aims?

DM1 and DM2

7.1 The Council proposes the deletion of submitted policies DM1 and DM2 and related text and substitution of new policy wording and text (NFDC12)

7.2 Are policies DM1 and DM2, as submitted, unsound? Are the proposed changes sound?

7.3 Natural England raised several matters of concern in its letter of 19th September (rep 9404zo). It is not clear from SCG2 if any concerns remain outstanding. If there are outstanding concerns, what is the Council’s response?

DM3

7.4 Is the policy DM3 consistent with the NPPF, particularly paragraph 97?

7.5 Is the list (2.15, i-iv) of types of possible renewable energy developments that could be considered under policy DM3 justified and necessary explanation in support of the policy? Would the Council’s proposed changes (NFDC 12, Ch2.15 and 2.15a) remedy any unsoundness?

DM21

7.6 Should the policy include the possibility of a small proportion of market housing where necessary to make an exception site viable for affordable housing, reflecting NPPF 54?

7.7 Should the policy refer to the conversion of rural buildings to residential use reflecting NPPF 55?

DM23

7.8 Does the policy adequately reflect NPPF in relation to the scope for new buildings in the countryside for employment use?

Additional questions on specific housing allocations

(See hearing programme for the order in which sites are to be discussed.)
8. Totton and Waterside

General questions for residential sites in Totton

8.1 Does the plan make adequate provision for housing in Totton in accordance with the requirements of the CS?

8.2 Is the absence of any allocation under policy Core Strategy CS12 justified? Are there any suitable and available sites for such an allocation?

8.3 What reliance in terms of housing supply and delivery of the Core Strategy is the Council placing on delivery from sites with existing uses (e.g. TOT 8 and 9)?

8.4 Should any contingency/reserve sites be allocated to ensure adequate flexibility?

TOT1 Land at Durley Farm, Hounsdown

8.5 Is the reference in the policy to the scale of development being limited by transport (and other site constraints) and the reference in paragraph 3.14 to about 80 dwellings necessary and appropriate? Council to explain why this figure has been proposed given its previous acceptance of 100 dwellings at this location and its acceptance of the land owners’ transport assessment.

8.6 Has the transport assessment on which the Council rely adequately considered the affect of on-street parking and pedestrian flows in the area (particularly at school times) on safety and capacity of Jacob’s Walk and Jacobs Gutter Lane?

8.7 Is there any suitable and available alternative to Jacobs Walk for vehicular access, given the Council’s proposed change NFDC 2, 3.1? Is this change necessary for soundness?

8.8 Would the proposal enable the value of the SINC to be retained/enhanced, particularly given the proposed recreational use of at least part of the SINC?

8.9 Is the proposed change concerning hedgerows (NFDC2, Ch3.1) necessary for soundness?

8.10 Are the other criteria in the policy justified and effective?

TOT2 Land at Loperwood Farm

8.11 What impact would the development have on the character of the adjoining countryside?

8.12 Is the requirement for access from Calmore Road justified? If not, is there an alternative acceptable location for access? Is the Council’s proposed change NFDC2, 3.2 necessary for soundness?

8.13 Are the other criteria in the policy justified and effective? Should there be more flexibility as to how public open space/children’s play space is provided?

Marchwood
MAR1
8.14 Is this site previously developed land? If so, is a requirement for 70% affordable housing justified under CS15(b)? If not justified, how does this affect the reasons for the allocating the site for residential development?

8.15 Is residential use compatible with existing or potential future traffic from the adjacent industrial and port uses?

MAR2
8.16 Should there be more flexibility about the retention of hedgerows? Should the Council’s change to TOT1 (NFDC2, Ch3.1 *wherever possible*) also apply here?

8.17 Can the SINC within the site be satisfactorily retained? If not, is compensatory provision possible? Is the required retention of the SINC compatible with the proposed highway improvements under MAR 8.1?

8.18 Is MAR 8.1 required irrespective of the development of MAR2? (A scheme is proposed in the existing Local Plan - MA 7). If so, is it justified to state in 3.101 that MAR8.1 is required in relation to MAR2? Could the development of MAR2 proceed before the junction improvement is undertaken? What does the Council’s proposed change (NFDC 2, Ch 3.9) mean in practice for the developer? Is this change necessary for soundness?

MAR3
8.19 Council to clarify whether the site is, or was, a SINC (see reps 390e and 9404h). If it is, what are the implications for the SINC of the proposed development?

Hythe

HYD1
(Some of these matters were raised in my questions seeking a Statement of Common Ground between various parties - see response in SCG3.)

8.20 Can the allocated area satisfactorily achieve all the requirements of the policy (including the easement for the water main crossing the site as highlighted by Southern Water - rep 354K)? On what basis has the Council assessed the feasibility of achieving the required number of dwellings?

8.21 Is there a justified need to safeguard that part of this allocation to the south east of the adjoining Seadown Veterinary Hospital for the possible expansion of that practice (see rep 175) and, if so, should any land adjoining the allocation be allocated for housing in substitution for the safeguarded land? (Council to explain its response in SVG3, 8.)

8.22 Does the Council see any public interest or general merit in facilitating the expansion of Seadown Veterinary Hospital? Does the Council consider that there is practical scope for any such expansion within the current boundaries of that site?

HYD2
8.23 Is the site deliverable - has the County Council decided to release the land for development (given the apparent previous assurances to the contrary, highlighted by the residents and any private legal restrictions as to the use of the land)?
Hardley, Holbury Blackfield Langley and Fawley

BLA1
8.24 Is this site within 400m of the boundary of the New Forest SAC/SPA National Park? If so, what are the implications?

8.25 What is the effect of the development on the recreational use of the land of which the site forms part?
8.25.1 Why does the site allocation have a curved boundary leaving a remnant corner of recreational land to the west. Does the allocation minimise the loss of recreational land?
8.25.2 Is there a need for replacement recreational land? If so, where will this be provided?
8.25.3 Why is the remaining adjoining recreational land not proposed to be protected under policy DM7?

8.26 Does the absence of any allocations under CS12 in Hardley, Holbury, Langley and Fawley give rise to any inconsistency with the Core Strategy?

9. The Coastal Towns and Villages

LYM1
9.1 The SA highlights that this site is within 250m of the New Forest SSSI (SA Appendix 2 p264) and there is the potential for significant negative impacts on biodiversity. What further assessment has been made of this potential impact and is any mitigation required? Is Natural England content?

LYM2
9.2 Does the SA (Annex 2) reasonably assess the affect on the National Park, the character of the countryside and the Buckland Conservation Area?

9.3 Are there realistic prospects of development enhancing the urban rural edge as suggested in the SA (Appendix 5, p173)?

9.4 Council to elaborate on its reasons for choosing this site compared with rejected site LYM02A (land adjoining Pinetops Nurseries) in response to questions posed in 2.12-2.16 WYG Report March 2012.

9.5 Is there any suitable, available, alternative site which would contribute to the provision of affordable homes under CS12 which would have less impact on the countryside and be in a reasonably sustainable?

MOS1
9.6 Are there any suitable, available and deliverable alternative sites (or combination of smaller sites) which would contribute to the provision of affordable homes under CS12, which would have less impact on the countryside and be in a reasonably sustainable location?

9.7 Why does the policy require School Lane to be diverted through the site?

9.8 Does the adjoining school have sufficient capacity to accommodate the additional pupils likely to arise from the development? If not, what are the consequences or what additional provision would need to be made?
9.9 If I were to conclude that the proposed housing was unsound on this site should the allocation be retained in relation to open space? Should any such open space allocation be on the land currently allocated in the Local Plan as MS-2? Would the land still need to be removed from the Green Belt? Would there be reasonable prospects for the delivery of such open space in the absence of the housing development?

HOR1, HOR2

9.10 Is the local need for affordable housing appropriately met with 2 sites close together in the central part of Hordle also in other settlements?

9.11 Is there a need for more allotments than proposed in HOR2?

9.12 Should provision be made for the relocation/retention of the existing businesses on the HOR2 site?

NMT1

9.13 I raised the issue of possible flood risk in my Note 2 and the Council’s response is in NFDC 8, 112-115. The comments from the Council’s land drainage service do not appear to consider the function the site might have in relation to the (beneficial) passage of surface flood water in the area (see rep 327). I ask the Council to consider the matter further. What change to the policy (if any) does the Council consider is necessary?

9.14 Would development of this site make any localised flooding worse or itself be at flood risk? Does flooding make the development unacceptable or is it a matter that can be addressed and which needs inclusion in the policy requirements?

NMT 2, 3 and 4

9.15 The question below was previously made in my note on Statements of Common Ground. I have not yet seen the response, which is expected shortly in SCG5.

9.16 Does:
- the current use of part of this area for minerals processing or possible future use in connection with extraction elsewhere (see rep 224);
- its safeguarding in the emerging Hampshire Minerals and Waste Plan;
- possible contamination;
- need for reclamation; and
- viability considerations
undermine the justification for this allocation or make delivery uncertain?

9.17 If acceptable in principle, are the criteria set out in the policies justified and effective?

9.18 If NMT3 is unsound are there any suitable, available alternative sites which would contribute to the provision of employment land under CS18 which are in a reasonably sustainable location?

9.19 If NMT4 is unsound are there any suitable, available, alternative sites which would contribute to the provision of affordable homes under CS12 which are in a reasonably sustainable location?

10. Ringwood, Fordingbridge and Avon Valley
SOP1 (See NFDC 8, 116-135)

10.1 Does the site need to remain in the Green Belt?

10.2 Given NPPF paragraph 89, why is a site specific policy necessary?

10.3 If necessary, is the policy consistent with the NPPF? Is the policy justified with regard to:
   - requiring redevelopment to have less impact on the Green Belt (rather than no greater impact)?
   - aiming to return most of the site to agriculture and forestry rather than also other open land uses acceptable in the Green Belt (eg outdoor sport and recreation or the landscaped setting of new buildings)?
   - limiting the amount of development to that needed to produce a financially viable scheme rather than relying solely on physical planning criteria in the policy?
   - implying that all existing buildings should be removed?
   - requiring a comprehensive approach to the site - is the policy sufficiently flexible as to how the overall aim might be achieved?

10.4 The area to which new policy SPO1 applies (shown on p173 of the Plan) does not enclose land to the north east which is enclosed by the policy boundary on the existing Proposals Map. This larger site is also the site shown in the Sustainability Appraisal for SOP1 (BRAN 01, Annex 2 p53). What is the reason for the change from the existing policy boundary?

Ringwood

RING 1, 2 and 3.

10.5 What is the Council’s intention for vehicular access to the RING3 site north of the old railway line? Vehicular access to Crow Lane is prohibited for any development of this site in policy RW-12 in the 2005 Local Plan. If Crow Lane is now to be used for vehicular access to RING3 what changed circumstances or analysis justifies this change? Is such use, and the use of roads connecting with Crow Lane, sound?

10.6 What is the Council’s and Highway Authority’s intentions for the construction of a new road across RING1 to serve RING3. Do the policies make clear what is expected, by whom and by when? Are the requirements justified? Are the Council’s proposed changes on these matters necessary for soundness?

10.7 The Highways Agency (rep 392) had sought more information on the cumulative impacts of the various proposals on the A31/A338 junction. No further information appears to have been provided to it (rep 392zc). Is the Council satisfied that the Highways Agency will not have concerns at a later stage which might result in delay or implementation difficulties?

10.8 RING3 requires 1.2-1.4ha of open space within the development. Is this what is required solely to meet the needs of the new residents?

10.9 The policy also requires at least 2 ha on site or on suitable adjacent land to address the general shortfall in Ringwood. Does this have to be provided by the developer of the housing or employment elements of the proposal? If provided off-site, what are the implications for the potential capacity of the RING3 land?
10.10 Is there a need for additional primary school capacity in Ringwood and should this be identified as a requirement of RING3? (See Hampshire County Council’s rep on the CIL regarding the IDP.)

**Fordingbridge**

10.11 Was land at Burgate Acres, Salisbury Road (rep 397), indicated as available prior to the Submission Publication and was it evaluated by the Council? Would it be a more appropriate site for some of the 100 dwellings currently proposed at FORD1?

10.12 Is FORD 2.8 correctly shown on p 205 being north-west of the alignment of the former railway line? Why does it not follow the former line such as in FORD2.1? Is it intended that there should be any links across the former railway line to the residential estate to the south?

10.13 Should the settlement boundary be amended to the rear of 40A West Street, Fordingbridge? Does the present boundary follow existing features or otherwise meet the Council’s criteria used to justify changes elsewhere? (See rep 6)

**ASH1**

10.14 Is there adequate highway access? Would access to the site require 3rd party land? (See NFDCB, 140 and Appendix 10)? Are there any other constraints which would make this site unviable?