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

Inspector’s initial overview of the new evidence/proposed changes in relation to compliance with the Habitat Regulations - September 2013

1. As indicated in my post hearing note 4 (30 April 2013) I undertook to look at the Council’s further work in relation to the mitigation of impacts on European sites prior to any public consultation on that material to see if there were any obvious problems or omissions which could be remedied prior to consultation. It is not the purpose of this note to come to any conclusion as to whether the Council’s proposals would make the plan sound in relation to this issue and I have not looked at the details of the other changes proposed. The comments below focus on some procedural matters rather than the technical evidence.

2. I have looked at the officer’s report to Cabinet 4 September; Appendix 3 to that report with regard to proposed changes to the Plan in relation to SANGS and other mitigations measures; Appendix 4 Addendum to Habitat Regulations Assessment of Proposed Submission Document by Land Use Consultants; Appendix 5 - the draft SPD Mitigation Strategy for European Sites Part 1 of the Green Infrastructure Strategy. I recognise that the Council has undertaken much detailed work on this and other issues.

3. I would make the following comments in relation to matters where I consider that there may need to be further evidence or explanation from the Council as part of the material on which consultation takes place. There is no need for the Council to respond directly to me on the contents of this note, it is intended only to help the Council consider what information is required to support the forthcoming consultation on changes.

Status of the draft SPD as supporting evidence

4. I understand that the Council intends to consult on the draft SPD Mitigation Strategy for European Sites in parallel with the consultation on the proposed changes. As the Council will appreciate, the content of a draft SPD is not directly a matter for me and comments made in response to a consultation on a draft SPD would not normally be ones that I would take into account. However, from what I have seen, the draft SPD provides the main evidence for illustrating how the proposed new policies can be implemented and is therefore important material in supporting the Council’s proposals. The Council will need to explain clearly the dual role of the draft SPD as supporting evidence to the Examination, in addition to it being a formal document that the Council will progress in due course. Representations relating to the evidence contained within the draft SPD will need to be accepted as part of representations on the proposed changes as part of this Examination process.

Justification for the selection of sites for new SANGS and their deliverability

5. When the Examination resumes I will need to consider, among other matters, whether the chosen SANGS sites for allocation in the plan have been justified in relation to alternatives and whether they are deliverable. The Council will be aware that I have had concerns from an early stage in the Examination about the justification for the selection of some recreational sites, particularly where the landowners were opposed to the proposed allocation and concerns about their deliverability. However, the delivery of the SANGS sites is more critical than the delivery of informal or formal open space to meet general needs.
6. I have seen no evidence to indicate why the SANGS sites chosen for allocation in the plan have been selected or whether they were considered against alternative sites. The selection criteria and potential alternatives for a SANGS site is likely to be different from those for formal playing fields, for example. I have seen no explanation of how SANGS sites in private ownership would be delivered. The Council previously proposed the deletion of part of the informal open space allocation HYD7 because of uncertainty about deliverability/lack of need, but the whole of the original HYD7 is now proposed as SANGS. How will it be delivered?

7. The draft SPD does not suggest any potential alternative/reserve SANGS sites to those which are proposed to be allocated. This means that there needs to be confidence about the delivery of those which have been identified. The Council should therefore consider some further work/evidence in relation to selection criteria, consideration of alternative sites (SA) and deliverability.

Unexplained consequences of the proposed changes in relation to SANGS

8. Some of the sites now proposed to be allocated as SANGS were previously proposed as formal public open space to meet identified local deficits. In addition, some of the largest allocations for housing included additional playing fields above the CS7 requirements, which now seem to be dropped to achieve on-site SANGS. The Council clearly considered that there was a need for additional playing fields in various settlements and that such proposals were sound. I can only recommend changes to the plan were I have identified unsoundness. What is the justification for deleting these proposals from the plan/what consideration has been given to meeting these needs on other sites?

Monitoring

9. Given the importance of delivering the package of mitigation measures, it would seem necessary to monitor its provision, possibly in step with the provision of housing in different settlements. I have seen no proposals for such monitoring. (This is separate to the detailed monitoring of visitor impacts necessary as part of the mitigation strategy.)

Infrastructure Delivery Plan

10. The revised IDP, giving priority to the delivery of mitigation measures, should be published as part of the proposed consultation. The IDP will also need to reflect the deletion of various proposals for other public open space.

Showing Proposed Changes Clearly

11. In the forthcoming consultation on proposed changes, it is essential that all changes are shown clearly, this includes what is being deleted as well as what is being added. Where a whole paragraph or policy is being deleted it is acceptable simply to note its deletion without showing the deleted text, but where part of a paragraph or policy is being deleted, that should be shown with the existing text struck through. For example, in several of the policies for housing allocations deletions of existing text is not shown, but needs to be. (In the table of changes some of the text in the policy boxes filling a whole page was hidden, it was unreadable on screen and did not print.)
Progression of the Examination

12. I will not formally resume the Examination until after the consultation on the proposed changes has been completed and all the representations have been collated by change number. Given the Council’s suggested consultation period extends into November, I will not be resuming the Examination in October. In due course, please let me know when you will be able to provide the collated results of the consultation. Please provide hard copies of all the material published as part of the consultation.

13. I expect some further hearings will be required. If the consultation is not completed until early November, there is unlikely to be sufficient time to arrange any hearings in December. January would be more realistic. However, the timing of any hearings will depend on my other work commitments around that time. I should know at the end of September whether I will be available for hearings in January or whether hearings will have to be later in February. I will let the Council know my availability as soon as my work programme is clear.

Simon Emerson
Inspector
3 September 2013