15th November 2013

Planning Policy Team
New Forest District Council
Appletree Court
Lyndhurst
Hants
SO43 7PA

Dear Sir/Madam

Local Plan Part 2: Sites and Development Management Examination
Main Modifications and Draft Mitigation Strategy Consultation November 2013

Introduction

We refer to the above consultation and respond on behalf of our clients, Messrs Taylor Wimpey UK Ltd. and the Meyrick Estate. These representations relate solely to the Main Modifications consultation, specifically relating to New Milton housing allocation policies. Separate representations are submitted in response to the Draft Mitigation Strategy consultation.

Our clients have a controlling interest in land east of Stem Lane, which was included as a possible housing allocation option within the Site and Development Management DPD Public Consultation Document (January 2011) but was not taken forward as a formal allocation within the Proposed Submission Document. The site is owned in its entirety by the Meyrick Estate and is available for development now.

Following completion of the main hearing sessions, the Inspector suspended the Examination in order that the Council might undertake further work to address some of the issues raised. This included in relation to the viability issues surrounding the proposed mixed use allocation at Caird Avenue, New Milton (NMT4), and the need to meet the demand for affordable housing in New Milton in the short term.

The Inspector made two recommendations as to how the issue of meeting the short term affordable housing need might be addressed, as follows:

Approach A - Retention of NMT4, plus additional sites to boost affordable housing provision in the short term by an additional 30 or so affordable units.
**Approach B** - The Council would seek alternative sites to replace site NMT4 for both housing and employment provision.

For the reasons set out in our previous representation, there are on-going deliverability issues related to NMT4, such that we consider that the adoption of the Inspector’s Approach B, and the substitution of a policy allocating land at Stem Lane remains necessary if the document is to be found sound.

We question whether Approach A would be an effective strategy for ensuring the delivery of affordable housing, as it is considered that affordable housing delivery on smaller sites is less likely to be viable option. The delivery of a larger, strategic site would allow for the delivery of a higher number of open market units as well as affordable, which would improve the viability of meeting the 70% requirement. Furthermore, a piecemeal approach to delivery of affordable housing is likely to be a less favourable option from the perspective of Registered Social Landlords, on account of economies of scale and associated increased on-going costs into the future.

We do not comment further upon the appropriateness of NMT4 as a site allocation and rely upon our original representations in this regards. However, if the Inspector is minded to accept Approach A then we would propose a commitment to an early review of this allocation.

The Council have produced a Schedule of Main Modifications for consultation, within which it appears that Approach A has been pursued through the allocation of further sites in MM70 and MM71 to meet short term need for affordable housing in addition to policy NMT4. The additional sites proposed are as follows:

1. Land west of Moore Close (NMT1a) – around 15 dwellings
2. Land off Park Road, Ashley (NMT1b) – around 20 dwelling

In respect of our original concerns with Approach A, associated with the delivery constraints at NMT4, we do not consider either of the proposed additional site allocations to be sound in delivering the necessary affordable provision.

Notwithstanding the site specific constraints apparent on both sites which we discuss below, the Inspector will note that the combined provision of 35 dwellings would equate 24.5 affordable units if provided at the 70% rate. This is well below the Inspector’s additional 30 unit requirement figure.

The proposed additional site allocations are assessed below:

**Main Modification Ref. MM68, MM70 and MM79**

**Proposed Policy NMT1a: Land west of Moore Close**

The site is situated on the western edge of New Milton, adjoining Moore Close to the east, Christchurch Road to the south, a wooded area to the north and an area of public open space (Fawcetts Field) to the west. The site extends to approximately 0.45ha and is situated within the Green Belt, beyond the settlement edge of New Milton.

As set out on the adopted Local Plan Proposals Map, the wooded area to the north of the proposed allocation is designated a Landscape Feature, and also forms part of Old Milton Green Conservation Area. The site is currently allocated for allotments by Policy NM-19 of the adopted 2005 Local Plan.
The site was put forward as a housing allocation option in the Council’s Consultation Document (January 2011), then referred to as policy NMT5. This set out that the site could accommodate ‘around 10-12 dwellings’.

Subsequently, the LPA’s SDM Proposed Submission Document (January 2012) re-allocated the site for the provision of allotments under policy NMT12: Land for Allotments.

The Council’s Schedule of Proposed Modifications now proposes the removal of land west of Moore Close from its allocation for allotments to enable it to come forward as a housing option for around 15 dwellings.

Our comments on the suitability of the site/proposal are as follows:

- This site is within the Green Belt; if it were to be developed the Green Belt Boundary would need to be amended. Further, this would trigger the NPPF requirement for a wider review of the Green Belt to safeguard and identify sites both within and beyond the end of the Plan period.
- As set out in the submitted Sustainability Appraisal (SA) (2012), the development of the site would have a negative impact on the character of the countryside and on locally important views from Christchurch Road.
- With the buffers required for equipped play areas we consider that the site is too small to accommodate play facilities or open space, as required in the proposed policy.
- As stated in the SA, development of this site could impact upon the visual amenities of the adjacent Old Milton Green Conservation Area.
- The site is well used by the public and may have village green status.
- The site comprises semi improved grass land and may be subject to ecological constraints.
- The site comprises arable farmland, and as set out in the SA, such a development would result in the loss of arable farmland of the highest quality (Agricultural Land Grade 1).
- As indicated on Map 4 of the draft Sustainability Appraisal/Strategic Environmental Assessment (2011), the site comprises part of the only grade 1 agricultural area in the District. Development on high quality agricultural land (rare within the District) should only come forward in the absence of other suitable sites.

In addition to our comments, a number of further consultation responses were received from other parties expressing objections about the proposed allocation:

- Turning west on to the A337 Christchurch Road could be problematic.
- Visibility when entering Moore Close from both directions is restricted.
- The road width is inadequate to accommodate the proposed development and road widening would be difficult without significant harm to the existing trees and hedgerows.
- Limited parking availability means the road is currently used for overspill parking, which limits access from the A337 Christchurch Road.
- Accessibility by emergency services would be problematic.
- The site is adjacent to a conservation area which provides wildlife habitat.
- The field is A1 agricultural land.
- Loss of tranquility and loss of trees.
- Fawcetts Field is used by the community for a range of activities such as car boot sales, firework displays, and fairs which would be under threat due to the proximity of the proposed development.

Whilst we note that the promoters of the site have submitted representations suggesting that the site will not come forward for allotments, we would direct the Inspector to the New Milton Local Distinctiveness SPD which was adopted in 2010, and which at page 30 sets out that “There are five
areas [in New Milton] given over to allotments and there is a considerable waiting list. The provision of more space for public allotments is urgently needed.” The SPD recommends that “further space for allotments should be obtained whenever it becomes available”.

Furthermore, under Objective 14 of the Partnership of Urban South Hampshire’s adopted Green Infrastructure Strategy we note paragraph 4.9.4 which states that “The numbers of orchards and allotments are declining; there is a need and opportunity to protect them and increase their number.”

We therefore consider the strategy of removing Land west of Moore Close from its allocation for allotments under policy NMT12 without adequate replacement is unsound.

We remain of the view that the allocation of land west of Moore Close is unsuitable for a housing allocation for the reasons set out above.

Main Modification Ref. MM68 and MM71

Proposed Policy NMT1b: Land off Park Road, Ashley

The site is situated on the north-eastern edge of New Milton, adjoining Park Road and Woodside Lane. The site abuts allotments and residential properties on its west edges, and a wooded area known as Stanley’s Copse to the north and east. The site extends to approximately 1.1ha and straddles the New Milton settlement boundary, with 0.8ha falling outside.

The entirety of the site is excluded from the Green Belt. However, Stanley’s Copse to the north and east of the proposed is designated under an area Tree Preservation Order. Furthermore, the adjoining woodland to the north forms part of Stanley’s Copse SINC, and the adjoining land to the south is a designated Landscape Feature.

The site was put forward as a housing allocation option in the Council’s Consultation Document (January 2011), then referred to as policy NMT1. The site was not taken forward as an allocation within the SDM Proposed Submission Document (January 2012).

The Schedule of Proposed Modifications now proposes that Land off Park Road should come forward as a housing option for the delivery of around 20 new homes.

Our comments on the suitability of the site/proposal are as follows:

- There is no clear access to the land parcel from Park Road and it is possible that the site is subject to access ransom.
- The prevailing 1 storey detached bungalow residential form which adjoins the site will have implications for the density of development and its acceptability in character terms.
- A character led scheme which responds to the existing surrounding built form would not be of a preferable scale and density to affordable housing providers.
- Without adequate mitigation/ecological buffers the development could lead to a negative impact upon the adjacent Stanley’s Copse woodland. Due to the size constraints of the site any buffer would significantly reduce the available land for development, calling into question the deliverability of the 20 units proposed without detriment to the character of the area.
- The 2011 Consultation Document suggested a 25m buffer on the north part of the site should be applied to protect the SINC. There is no buffer width requirement set out in proposed policy NMT1b.
- The available land for development is further reduced by the proposed policy requirement for onsite public open space, together with five full-size allotment plots to adjoin the existing allotments to the west.
- The significant tree cover adjacent to the site will limit capacity for the significant root protection zones required to ensure long term tree retention. In addition, there may be issues of overshadowing which could result in pressure to fell.
- It is questionable as to whether the site can accommodate greenfield run-off rates for surface water in a sustainable way. It is unlikely that open swales or ditches could be accommodated on the site. Other below ground SUDS will not give any biodiversity gain.
- The submission SA comments that this site has poor access to local facilities and shops.
- The SA also notes that “the development of this site would have a negative impact on the character of the countryside and on locally important views from Ashley Common Road”.
- The site has very limited ability to offer any other benefits due to the size of the site and the viability issues associated with the small scale and high development costs.
- The requirement for 5 allotments as part of the scheme is not considered to compensate for the loss of land at Moore Close as an allocation for allotments.

For the reasons set out above, we consider the allocation of land off Park Road to be unsound, and does not provide for the most appropriate solution to the recognised undersupply of affordable housing provision in New Milton in the short term.

**Main Modification Ref. MM74 & Draft Mitigation Strategy SPG**

We have previously provided a detailed examination statement on matter 9, regarding the issues of deliverability and viability of delivering the ‘Land east of Caird Avenue, south of Carrick Way woodland’ allocation (policy NMT4). We note that the inspector acknowledged that the viability evidence suggested that the NMT4 proposals are not currently viable for at least 6 years, if not longer. The main modification now introduces a requirement for the land to include suitable mitigation measures to mitigate the recreational impact of the development on European nature conservation sites in accordance with the now introduced Policy DM2b (MM10). This formalised requirement is supported by the Council’s draft Mitigation Strategy for European Sites SPD that will enable delivery of the necessary mitigation infrastructure. This document acknowledges that sites comprising over 50 units, such as NMT4 will generally be expected to deliver on site SANG. The document further identifies new priority SANG land at sites that were previously identified for open space provision within the sites & Development Management DPD. These policies are speculative and are subject to the future intention of the landowner. As such they cannot be relied upon as a deliverable strategy to mitigate other necessary residential developments in the New Milton area.

We therefore consider that the proposed modification MM74 results in the policy remaining unsound as the reality of the site delivering at the required affordable housing level is yet more unlikely given the additional costs of providing SPA mitigation. Further the potential reliance upon other land designated as future open space results in additional uncertainty and reduces the deliverability of the proposed allocation at NMT4. This would be the benefit of allocating a site that can deliver residential development and on-site SANG in conjunction such as our client’s site at Stem Lane. In summary and further to our previous hearing statement, the policy remains unjustified, ineffective and inconsistent with national policy having regard to the NPPF tests of soundness.

**Summary**

We consider that allocation of two small sites whilst retaining NMT4 is a flawed approach to meeting the short term need for affordable housing. By adopting the Inspector’s Approach B and allocating land at Stem Lane in place of NMT4, the Council would have genuine assurance that the required housing numbers (including 70% affordable) and employment land would be delivered in the short
term. There are no overriding physical or ownership constraints to bringing the site at Stem Lane forward for development within the early part of the plan period.

As set out in full within our previous representations, land at Stem Lane offers the most appropriate option to provide for local affordable housing and employment land whilst making significant wider gains in terms of open space and green infrastructure. In addition:

- although the site is within the Green Belt, if it were to be developed the Green Belt Boundary would need to be amended, but the site does not harm the five principles of Green Belt designation. A general Green Belt review can and should be carried out.
- the site is in single ownership
- the site is available for development immediately
- access to the site would be from Stem Lane and is entirely within the control of the land owner
- the site can accommodate all 110 dwellings required by policy CS12
- the site can also accommodate 5ha of employment land required by policy CS18 possibly including a renewable energy plant
- with the capacity to accommodate the entire housing requirement it can provide efficiencies of scale for example with open space, green infrastructure
- the site can accommodate equipped play with sufficient buffer to residents
- the site can provide sustainable surface water drainage solutions
- the site and adjoining land in the owner’s control can provide for green infrastructure (including allotments), and open space to meet local requirements
- the site can provide the off-road cycle routes to create sustainable travel alternatives
- the site has no abnormal ground conditions, or contamination that would affect the viability to prevent affordable housing being provided

However, if Approach A is selected, we believe that in place of the proposed allocations at Moore Close and Park Road, the most appropriate option would be to allocate part of the land at Stem Lane to deliver the 43 units required to ensure the delivery of the full 30 affordable units required in the early part of the plan period. A revised masterplan could be produced to illustrate that the site can accommodate the required number of units together with open space provision, and allotments as required. The provision of affordable housing on one site would be a preferable option affordable housing providers, and would provide deliverability/viability assurance. Finally the provision of SANG land could be provided on site as is best practice and the preferred mitigation solution within the Council’s draft Mitigation Strategy from European Sites SPD.

We trust the above comments are of assistance and await confirmation of receipt of our representations in due course.

We would welcome the opportunity to continue the dialogue with the Council in order to progress the proposals and help to deliver a sustainable solution for New Milton.

Please do not hesitate to contact the writer should you wish to discuss any matter(s) arising.

Yours faithfully

Jeremy Woolf MA DipTP MRTPi
Local Plan Part 2: Sites and Development Management
Main Modifications and draft Mitigation Strategy
Representation Form

Name of the DPD to which this representation relates:
New Forest District
(outside the National Park)
Local Plan Part 2: Sites and Development Management

Please return to New Forest District Council by 15 November 2013

Please note that your representation will be made available for public viewing at Appletree Court, Lyndhurst and via the Council’s website. (Personal information such as signatures and telephone numbers will not be published on the website).

There are two sections –
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Part B – Your representation(s).

Please fill in Part A, and a separate Part B for each representation you wish to make.

### Part A

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If you have previously made representations on this Plan, please give your representative ref. here: 224

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**Local Plan Part 2: Sites and Development Management**

**Main Modifications Representation Form**

Part B – Please use a separate sheet for each representation
*(Part A MUST also be completed)*

### Name or Organisation:

3. To which matter does this representation relate?
   
   i. Main Modification to the Local Plan Part 2: Sites and Development Management

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   OR

   iii. If you wish to comment on the Infrastructure Delivery Plan tick here. 

   If commenting on a modification to the Local Plan Part 2 (including the revised Habitats Regulations Assessment and Sustainability Appraisal) please fill in sections 4 – 9.

   If commenting on the draft Mitigation Strategy, please fill in section 10.

   If commenting on the Infrastructure Delivery Plan, please fill in section 11.

4. On this matter, do you consider the Local Plan Part 2: Sites and Development Management is:

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<th>4.1 Legally compliant</th>
<th>Yes</th>
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<td>4.2 Sound*</td>
<td>Yes</td>
<td>No</td>
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   (* The considerations in relation to the DPD being ‘Sound’ are explained in the National Planning Policy Framework)

   If you have entered No to 4.2, please continue to Qu 5. In all other circumstances, please go to Qu 6.

5. On this matter, do you consider the Local Plan Part 2: Sites and Development Management is **unsound** because it is not:

   (1) Justified

   (2) Effective

   (3) Consistent with national policy
6. Please give details of why you consider the Local Plan Part 2 (as proposed to be modified by the Main Modifications) is not legally compliant or is unsound on this matter. If you wish to support the legal compliance or soundness of the Local Plan Part 2: Sites and Development Management, please also use this box to set out your comments.

See supporting letter.

(Continue on a separate sheet / expand box if necessary)

7. Please set out what change(s) you consider necessary to make the Local Plan Part 2 legally compliant or sound on this matter, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the relevant policy or text. Please be as precise as possible.

See supporting letter.

(Continue on a separate sheet / expand box if necessary)

8. If your representation is seeking a change to the Local Plan Part 2, do you consider it necessary to participate at the oral part of the examination?

☐ No, I do not wish to participate at the oral examination

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Comments on other documents, for consideration by NFDC.
10. Please state here your comments on the draft Mitigation Strategy.

(Continue on a separate sheet / expand box if necessary)

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Signature: 
Date: 15/11/2013

Representations should be posted to: Policy and Plans Team New Forest District Council Appletree Court Beaulieu Road Lyndhurst Hampshire SO43 7PA

Or e-mailed to: sdmrepresentations@nfdc.gov.uk

Representations should be received by no. later than 5pm on 15th November 2013.
**New Forest District Council**

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Main Modifications and draft Mitigation Strategy
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   Yes [X] No

   4.(2) Sound*
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<td>Taylor Wimpey UK Ltd.</td>
<td>C/O Agent</td>
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<td>01189 884 923</td>
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(Where an email address is given, this will be used as the primary means of contact)
Local Plan Part 2:
Sites and Development Management
Main Modifications Representation Form

Part B – Please use a separate sheet for each representation
(art A MUST also be completed)

Name or Organisation:

3. To which matter does this representation relate?
   i. Main Modification to the Local Plan Part 2: Sites and Development Management

<table>
<thead>
<tr>
<th>Main Modification Ref. (i.e. MM1)</th>
<th>MM74</th>
<th>Local Plan Part 2: Para. or Policy number</th>
</tr>
</thead>
<tbody>
<tr>
<td>OR</td>
<td></td>
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<tr>
<td>ii. The draft Mitigation Strategy Supplementary Planning Document</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Draft Mitigation Strategy Paragraph No. or Project Reference</td>
<td>Entire document</td>
<td></td>
</tr>
</tbody>
</table>

OR

   iii. If you wish to comment on the Infrastructure Delivery Plan tick here.

If commenting on a modification to the Local Plan Part 2 (including the revised Habitats Regulations Assessment and Sustainability Appraisal) please fill in sections 4 – 9.
If commenting on the draft Mitigation Strategy, please fill in section 10.
If commenting on the Infrastructure Delivery Plan, please fill in section 11.

4. On this matter, do you consider the Local Plan Part 2: Sites and Development Management is:

<table>
<thead>
<tr>
<th>4.(1) Legally compliant</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.(2) Sound*</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

(* The considerations in relation to the DPD being 'Sound' are explained in the National Planning Policy Framework)
If you have entered No to 4.(2), please continue to Qu 5. In all other circumstances, please go to Qu 6.

5. On this matter, do you consider the Local Plan Part 2: Sites and Development Management is unsound because it is not:

   (1) Justified
   X

   (2) Effective
   X

   (3) Consistent with national policy
   X
6. Please give details of why you consider the Local Plan Part 2 (as proposed to be modified by the Main Modifications) is not legally compliant or is unsound on this matter. If you wish to support the legal compliance or soundness of the Local Plan Part 2: Sites and Development Management; please also use this box to set out your comments.

See supporting letter.

(Continue on a separate sheet/expand box if necessary)

7. Please set out what change(s) you consider necessary to make the Local Plan Part 2 legally compliant or sound on this matter, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of the relevant policy or text. Please be as precise as possible.

See supporting letter.

(Continue on a separate sheet/expand box if necessary)

8. If your representation is seeking a change to the Local Plan Part 2, do you consider it necessary to participate at the oral part of the examination?

☐ No, I do not wish to participate at the oral examination

☒ Yes, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To justify the objection to the proposed modifications to the plan as discussed within our supporting letter.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Comments on other documents, for consideration by NFDC.
10. Please state here your comments on the draft Mitigation Strategy.

(Continue on a separate sheet / expand box if necessary)

11. Please state here your comments on the Infrastructure Delivery Plan.

(Continue on a separate sheet / expand box if necessary)

Signature: ___________________________ Date: 15/11/2013

Representations should be posted to: Policy and Plans Team
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
Hampshire
SO43 7PA

Or e-mailed to: sdmrepresentations@nfdc.gov.uk

Representations should be received by no later than 5pm on 15th November 2013.