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 (Personal information such as signatures and telephone numbers will not be published on the website).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 –
Part A – Personal Details
Part B – Your representation(s).

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

Part A

1. Personal Details**  2. Agent’s Details (if applicable)
* Mandatory field
**If an agent is appointed, please complete the Title, Name and Organisation boxes for your client in 1, plus the full contact details of the agent in 2.
If you have previously made representations on this Plan, please give your representee ref. here: 350

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(Where an email address is given, this will be used as the primary means of contact)
3. To which matter does this representation relate?

   i. Main Modification to the Local Plan Part 2: Sites and Development Management

   Main Modification Ref. (i.e. MM1)  MM8  Local Plan Part 2: Para. or Policy number  DM2a

   OR

   ii. The draft Mitigation Strategy Supplementary Planning Document

   Draft Mitigation Strategy Paragraph No. or Project Reference

   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:

4.(1) Legally compliant

   Yes  X  No

4.(2) Sound*

   Yes  X  No

(* 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.

This representation should be read alongside all previous representations and statements submitted on behalf of Associated British Ports (ABP) in respect of the emerging Local Plan Part 2.

The first paragraph of policy DM2a is incorrect in law. The Habitats Directive and the Conservation of Habitats and Species Regulations 2010 make it clear that it is development that adversely affects the integrity of a designated site which will only be permitted if there is no alternative solution and there are imperative reasons of overriding public interest, and not development "which would be likely to adversely affect" such as site.

(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.

The first line of Policy DM2a needs to be amended as follows:

"Development proposals that will adversely affect the integrity of a designated or candidate Special Area of Conservation (SAC), ........(text to follow as drafted)

(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:

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

Signature: ___________________________ Date: ___________________________

Representations should be posted to: Or e-mailed to: sdmrepresentations@nfdc.gov.uk
Policy and Plans Team
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
Hampshire
SO43 7PA

Representations should be received by no. later than 5pm on 15th November 2013.
Local Plan Part 2: Sites and Development Management
Main Modifications and draft Mitigation Strategy
Representation Form

Ref:
350
(For official use only)

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

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

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

Part A

1. Personal Details**
2. Agent’s Details (if applicable)
**Mandatory field
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If you have previously made representations on this Plan, please give your representee ref. here:

Title
Mr
Mr
Mr
Mrs
Miss
Ms
Dr

First Name
Clive
Philip

Last Name*
Thomas
Rowell

Job Title
Director

Organisation
Associated British Ports
Adams Hendry Consulting Ltd

Address Line 1*
Ocean Gate
7 St Peter Street

Line 2
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Winchester

Line 3
Southampton

Line 4

Post Code*
SO14 3QN
SO23 8BW

Telephone Number
01962 877414

E-mail Address

(where an email address is given, this will be used as the primary means of contact)
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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<th>Main Modification Ref. (i.e. MM1)</th>
<th>MM10</th>
<th>Local Plan Part 2: Para. or Policy number</th>
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ii. The draft Mitigation Strategy Supplementary Planning Document

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

4.(1) Legally compliant

Yes [X] No

4.(2) Sound*

Yes [ ] No [X]

(* 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.

This representation should be read alongside all previous representations and statements submitted on behalf of Associated British Ports (ABP) in respect of the emerging Local Plan Part 2.

ABP understands from the previous hearing sessions, the Inspector’s background notes and the supporting text now provided by the Council (paragraphs 2.11d to 2.11t) that policy DM2b is dealing specifically and solely with the mitigation of impacts on European nature conservation sites arising from the residential development proposed through the plan. This presumption is supported by the fact that the proposed policy DM2a already deals generally in the first paragraph with development proposals in respect of European sites (although the wording of that policy requires amendment – see ABP’s representation on MM8).

There is, however, an unwanted lack of clarity in the initial part of policy DM2b that this is actually the type of development being dealt with.

(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.

The word ‘Residential’ needs to be inserted as the very first word of policy DM2b.

(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

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10. Please state here your comments on the draft Mitigation Strategy.

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

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Representations should be posted to: Or e-mailed to: sdmrepresentations@nfdc.gov.uk
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New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
Hampshire
SO43 7PA

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

1. **Personal Details**

* Mandatory field

**If an agent is appointed, please complete the Title, Name and Organisation boxes for your client in 1, plus the full contact details of the agent in 2.

If you have previously made representations on this Plan, please give your representee ref. here: 350

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Part B – Please use a separate sheet for each representation

**Part A MUST also be completed**

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

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<td>4.(2) Sound*</td>
<td>Yes</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 | 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.

This representation should be read alongside all previous representations and statements submitted on behalf of Associated British Ports (ABP) in respect of the emerging Local Plan Part 2.

ABP took part in the previous examination hearing session at which the submitted version of policy DM9 was debated and discussed. ABP’s previous evidence and submissions on this policy and the issues which arise from it remain and are not repeated again here. From ABP’s detailed records of the examination session that considered policy DM9 it notes that the Inspector considered the submitted policy DM9 to be unacceptable. In respect of policy DM9 the Inspector indicated that it should:

• Deal only with green infrastructure features within the towns and villages that the Council wish to protect and not deal with features in the countryside outside of the towns and villages.
• Focus on those green infrastructure features that are not already protected / covered by other policies (for example, policy DM7, DM2a or DW-E12).
• Not be absolute in its requirements.

Whilst the revised policy DM9 and supporting text now put forward is a considerable improvement on the previous draft, there remains a degree of doubt as to whether it (and the forthcoming part 2 of the Green Infrastructure Strategy SPD for which policy DM9 is said to provide a framework) relates solely to green infrastructure features located within settlements.

This doubt arises by considering the penultimate paragraph of the revised policy along with the explanatory text provided in paragraph 2.34. It is not possible to identify from paragraph 2.34 that the features set out against numeral i. in the policy are necessarily just features within a settlement.

Policy DM9 should only deal with green infrastructure features within settlements and the policy text should make this clear. Clarity is important so that it is only these features which are then subsequently considered in part 2 of the Green Infrastructure Strategy SPD.

Appropriate clarification is also needed reflecting the above in those sections of the plan which discuss Green Infrastructure and Open Space issues for each different settlement (see for example MM45 and MM50).

Attention is also drawn to ABP’s representation submitted in respect of Part 1 of the Green Infrastructure Strategy – the Mitigation strategy – which similarly needs to be corrected.

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.

A new sentence of text should be added to the start of paragraph 2.34 which reads:

“The features referred to in parts (i) to (v) of policy DM9 are such features which are located solely within settlements,”

7. Please set out what change(s) you consider necessary to make the Local Plan Part 2 legally
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Comments on other documents, for consideration by NFDC.

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Local Plan Part 2: Sites and Development Management

Main Modifications and draft Mitigation Strategy

Representation Form

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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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<th>MM19</th>
<th>Local Plan Part 2: Para. or Policy number</th>
<th>DM12a and paragraphs 2.64 and 2.64a</th>
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4. On this matter, do you consider the Local Plan Part 2: Sites and Development Management is:

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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.

This representation should be read alongside all previous representations and statements submitted on behalf of Associated British Ports (ABP) in respect of the emerging Local Plan Part 2.

For the reasons it has previously expressed in representations and submissions to the examination, ABP remains of the view that policy DM12a (which is a revision of submitted policy DM12) still fails to provide what Core Strategy Policy CS18(f) requires.

As ABP’s representations and submissions have shown, there is clear evidence of a need to meet the expansion requirements of the Port of Southampton, which is without doubt a marine industry, in the plan period. In accordance with the requirement of Core Strategy Policy CS18(f), and for the other reasons expressed in ABP’s earlier representations and submissions, appropriate identification should be provided in the Local Plan Part 2, along with suitable recognition in Policy DM12a.

(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.

Changes which ABP consider necessary are detailed in their earlier representations and submissions.

(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:

This representation relates to issues of significance. It is essential that Associated British Ports is allowed to participate at the Examination. It is important that the Inspector has the opportunity to test and explore the unsoundness of the Local Plan Part 2 in respect of this matter

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.

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

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

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.
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 –
Part A – Personal Details
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 representee ref. here: 350

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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

<table>
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<th>Main Modification Ref. (i.e. MM1)</th>
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<th>Local Plan Part 2: Para. or Policy number</th>
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   ii. The draft Mitigation Strategy Supplementary Planning Document

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   OR

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

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

   4.(1) Legally compliant
        Yes [ ] No [ ]

   4.(2) Sound* Yes [X] No [ ]

   (* 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
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   (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.

This representation should be read alongside all previous representations and statements submitted on behalf of Associated British Ports (ABP) in respect of the emerging Local Plan Part 2.

ABP welcomes and supports the deletion of the Railway Sidings, Junction Road site as a Town Centre Opportunity site from Map TOT-TC1.

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.

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?

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Local Plan Part 2: Sites and Development Management
Main Modifications and draft Mitigation Strategy
Representation Form

Ref: 350
(For official use only)

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(outside the National Park)
Local Plan Part 2: Sites and Development Management

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Part B – Please use a separate sheet for each representation

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

   4.(1) Legally compliant

   Yes [X] No [ ]

   4.(2) Sound* Yes [X] No [ ]

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<th>Main Modification Ref. (i.e. MM1)</th>
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This representation should be read alongside all previous representations and statements submitted on behalf of Associated British Ports (ABP) in respect of the emerging Local Plan Part 2.

ABP, on the whole, welcomes the redrafted policy MAR7 and text, and accompanying amended Map MAR7. There are, however, three issues which still need to be addressed to make this part of the plan sound.

1. The policy rightly requires non-port related proposals to be compatible with port and port related activity on the site, and not prejudice the effective utilisation of the port and rail facilities of the site. It is, however, also necessary for non-port related activity on the MSC site to be compatible with port and port related activity which may occur on the neighbouring site.

As ABP’s evidence and oral submissions to the Local Plan Part 2 examination have already explained, the immediately adjacent site to MSC (Dibden Bay), is an area of land that was reclaimed for port and port related uses, is held for that purpose by the Port of Southampton, is port operational land, and is recognised by the District Council themselves as the only site on which the Port of Southampton can physically expand.

In addition to these matters which have been previously explained, ABP would highlight that since the adjournment of the Local Plan Part 2 examination, Dibden Bay is now safeguarded in the adopted Minerals and Waste Local Plan to enable consideration to be given to its use for minerals or waste wharf purposes.

2. The boundary of the MSC site shown on Map MAR7 fails to include a small area of land located along the waters edge which is owned by the MoD as part of the MSC landholding. ABP’s detailed records of the previous examination hearing session that considered policy MAR7 note that the MoD at that session indicated that this area of land had in the past been used as part of the operations of the MSC site. On that basis there is no reason to exclude it from the MSC site boundary. ABP presume that the Council have consulted with the MoD bearing in mind the previous representations they have submitted.

3. The supporting text in paragraph 3.90 does not accurately reflect the Government’s position on the future of the MSC. As a result of the Strategic Defence Review in 2010, the Government has made it clear that they wish the facility to continue to provide its military function, albeit in private ownership alongside commercial activities.

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.

The final paragraph of policy MAR7 should be amended to read:

“In addition to the above, any non port related proposals must be compatible with the port and port related activity that occurs or may occur on the site itself and on neighbouring sites and not prejudice the effective utilisation of the port and rail facilities of the site.”

Map MAR7 needs to be amended to include the currently excluded MoD owned area of land at the northern corner.

The first sentence of paragraph 3.90 should be amended to read:

“As part of the Strategic Defence Review in 2010, the Government has made it clear that they wish the facility to continue to provide its military function, albeit in private ownership alongside commercial activities.”
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:

This representation relates to issues of significance. It is essential that Associated British Ports is allowed to participate at the Examination. It is important that the Inspector has the opportunity to test and explore the unsoundness of the Local Plan Part 2 in respect of this matter.

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.

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