New Forest Local Plan Part 2 - Examination

Inspector’s preliminary questions for clarification (Nov 2013) Note 7

I am still reading all the new material. I raise these preliminary questions now as it will be helpful to get an initial response from the Council as to how it may wish to proceed. This will help me decide whether any of these matters need to be pursued further, as some are not directly related to the Proposed Modifications.

1. NFDC47 Habitats Regulations Assessment (HRA) of the Submission Document and Main Modifications

This document reproduces in table 3.2 the table from the HRA which accompanied the submitted plan covering each policy in the plan. Is it unchanged in its entirety from that previously submitted?

Representations (Refs 215 Mr Tillyer and 226 Mr Penny) indicate that there is (and was previously) a factual error in relation to HYD2 Land off Cabot Drive in Table 3.2 on p28. The table indicates that this site is within 400m of the Solent and Southampton Water SPA/Ramsar. This would appear to be incorrect, but the site would appear to be within 400m of the New Forest SPA/SAC/Ramsar. Is this correct?

If so, the Council should produce a further addendum to correct this error. (To save paper, I suggest that only the relevant pages need to be included in any addendum, not the whole document). A corrected assessment in the HRA should also include the site’s entry in table 3.3 on p43 and any other consequences. The Council should reconsider the assessment of the soundness of this site, including in the Sustainability Appraisal (see below), in the light of this corrected information.

In the Draft SA, Annex 2, January 2011 (BP40) the site (at that time identified as HYT-BU-22 and as HYD3) was identified as being within 400m of the New Forest SAC/SPA/SSSI, which resulted in a red, double negative score. I note also that because of this proximity, Natural England expressed concern about the site (letter 10 May 2011). In the SA which accompanied the submitted plan (Doc 11, Vol 1 p163 and Vol 2 p258) the proximity to the New Forest SAC/SPA/SSSI is not indicated and there is no negative score for Objective 9 as there was previously. If these assessments are based on a significant factual error which could significantly affect the evaluation of the site, the SA schedules should be corrected and a fresh appraisal undertaken and published for this site. If the site should have been scored red in relation to objective 9 of the SA objectives, but the Council still consider that its allocation is justified, a clear explanation will need to be provided.

I note that the site HYD2 is included in the schedule of sites in Hythe and Dibden in the Draft SPD (p39, NFDC46) as a site requiring mitigation. Please confirm (or otherwise) that any previous error relating to the assessment of this site does not alter the mitigation requirements set out in the SPD.

Please let me know as soon as possible how the Council intend to proceed and when any necessary revision to the HRA/SA would be available.

2. MAR2 Land at Park’s Farm, Marchwood

The representations on behalf of the Trustees of the Barker Mill Estates (No 251) indicate that they have now sold this land to Southampton City Football Club. I
understand that planning permission has been granted for use of the land as additional training pitches. Is this a permanent or temporary permission?

My understanding was that in relation to potential sites under CS12 of the Core Strategy, the deliverability and viability of potential sites to achieve the 75% proportion of affordable housing being sought was a factor in their selection/justification. But the site would now appear not to be available for housing for at least 5 years. The site may no longer be available at all for housing if the circumstances leading to the recent planning permission are unchanged in the future.

What is the Council’s understanding of the new landowner’s long term intentions? Are the needs of the Club which has given rise to the new use on this land only temporary or likely to be ongoing?

What is the Council’s position as to the effect of recent events on the soundness of the allocation?

Is the Council considering any alternative provision for affordable housing in Marchwood?

3. NFDC48 Infrastructure Delivery Plan September 2013

Some of the details in Appendix A appear incorrect.

Appendix 2 Page 1, site ref hd1 is HYD6 of the Local Plan. The description is formal open space south of Cedar Road and the justification relates to formal open space. But this site is now identified for SANGS in the Proposed Modifications. Are these references to informal open space an error? If so, a correction should be made with appropriate explanation/justification in the table.

Page 2, site ref nm2 is NMT11 of the Local Plan. The justification column refers to 5.9ha of formal open space. The site is only about 0.59ha. In the Proposed Modifications it is now proposed for SANGS. Again, a correction is needed.

Please check for any other errors in Appendix A. To avoid wasted paper, I suggest that only the corrected sheets need reproducing as an Addendum.

4. European sites – Mitigation Strategy

The Council will be aware of a number of concerns raised in the representations about the effectiveness and deliverability/certainty of various elements of the mitigation strategy in relation to European sites (among other matters). These and related matters will form the greater part of my pre–hearing questions which I am now preparing. I would encourage the Council to be considering now how it might be able to respond positively to the concerns expressed, especially by key stakeholders and Natural England.

Is it likely that the Council will be amending the draft SPD before the hearings to respond to the representations received on it?

It would be helpful to have an initial response to the above points soon, even though updated documents will take longer, or an indication of when the Council would be able to respond in some form.

Simon Emerson
Inspector 26 November 2013