New Forest Local Plan Part 2 - Examination

Inspector’s pre-hearing and other questions (Dec 2013)

Habitat Mitigation Strategy and related matters

1. In these questions I refer to the Council’s Draft SPD Mitigation Strategy for European Sites (NFDC46). This seeks to illustrate how the Council intends to apply policy DM2b in practice. It is not a document before me for approval and I cannot make recommendations on its contents. However, I have had regard to the draft SPD, and the representations made on it, in so far as it helps test the likely effectiveness/delivery of the policies in the plan. It also serves as the Council’s main supporting evidence on these aspects.

Overarching question

2. Is the suggested combination of SANGs, Access and Visitor Management and Monitoring an appropriate combination of measures to mitigate likely effects? Will what is proposed be effective and is there sufficient confidence about delivery? (The focus is not whether there are other approaches, but whether the selected approach is one that is justified.)

Policy DM2b

3. Does it need to be made clear how this policy relates to the first paragraph of DM2a? (E.g. by the addition at the beginning of the following phrase – Except as provided for in the first paragraph of DM2a, development proposals....) Does it need to be made clear that the mitigation measures are relevant only for residential development? (E.g. begin For residential development the required suite....)

4. Policy DM2b indicates that SANGS will be delivered in 3 ways (summarised):
   - New areas of informal open space (30-40 ha);
   - Existing open space of SANGS quality with no existing public access of limited public access;
   - Existing open space which could be changed in character.

5. I am unclear how these categories will work in practice and the relationship between them and the total SANGS expected to be delivered.

   - Existing open space of SANGS quality with no existing public access.... This seems something of a contradiction. If there is no public access how is this open space? Is this category simply a recognition that the 30-40 ha of land intended to be provided as a consequence of the various allocations in the plan is not the only land that could serve as SANGs and that other land might be equally suitable, either as additional or, more likely, as a substitute for the allocated land?
   - Is this category intended as the main acknowledgement in the policy of the enhanced walking routes (which are developed in some detail in the SPD, see below)? If so, does this need to be made clearer?
   - Existing open space which could be changed in character. Again, is this intended as a substitute for allocated SANGS or additional to the 30-40 ha of SANGS? If additional, what scale of provision is intended/required?
   - Policy DM2b (penultimate paragraph) indicates that informal open space required by policy CS7 will be accepted as part of the mitigation contribution where it meets SANGS requirements. This suggests that it could substitute for the new SANGS space on housing sites. Is that the
intention, bearing in mind that the SPD tables for each settlement appear to ascribe a mitigating benefit to both the required CS7 space and the new SANGS, thus expecting both to be delivered? If the Council consider that the wording in the plan does not reflect its intentions please provide an alternative wording in the pre-hearing statement.

6. The penultimate paragraph of DM2b states:

On sites of 50 or more dwellings, where there is physical capacity and there are suitable opportunities, the full direct mitigation requirements may best be met by provision of SANGS on-site or close to the site, based on a standard of 8ha of SANGS per 1,000 population. (My emphasis.)

But the changes to the policies for the larger housing allocations (e.g. MM26 for TOT1; MM89 for FORD1) require mitigation measures to include on-site provision of SANGS. (My emphasis.)

Why is the flexibility in DM2b not carried through to the allocation policies? My preliminary view is that, provided delivery can be secured and any adjoining/nearby land will be suitable/effective, then flexibility is appropriate to ensure that the most effective and efficient use can be made of land suitable for housing and suitable for SANGS (which may be land not suitable for development.)

7. Natural England (NE) seek additional text to the penultimate paragraph of DM2b namely: The details of the SANGS will need to be agreed with NE as part of the planning application process and delivered in advance of the housing occupation. Questions particularly for NE:
- Why does NE consider this clause necessary?
- Is this statement a common part of adopted development plan policies setting out mitigation strategies elsewhere in relation to European sites?
- What further detail would make such a statement unnecessary?
- Should any such detail be in the Plan or SPD?

8. The SPD (paragraph 6.70) says that where SANGS provision is to be provided (at least in part) on site it should be available for new occupants at the time of occupation. Should this be made clear in the policy?

SANGS

9. Whilst the function of SANGS is clear (to divert trips which might otherwise take place to protected sites) is the size/nature/quality of sites to serve as SANGS sufficiently clear?
   - How will developers or the Council assess whether any land offered as SANGS would be effective as SANGS?
   - The SPD (paragraph 5.28) lists likely attributes of SANGS. Are these the most appropriate to make SANGS effective?
   - Should essential attributes be listed in the plan for effectiveness?

10. Will SANGS sites of 1ha or less be effective (bearing in mind the long standing threshold of 2ha used elsewhere and recommended by Natural England)?

11. Paragraph 5.19 of the SPD indicates that to achieve full mitigation in accordance with the requirements of policy DM2b (8ha of SANGS per 1,000 population) a site of 50 dwellings would generate a requirement of around 1ha of SANGS. The Draft SPD seeks to illustrate how the Council intends to apply the
policy in practice, but the scale of new SANGS provision on allocated housing sites suggested/used in the SPD does not seem to directly relate to the scale of housing on that site. Why is this? Does this suggest any potential difficulties in delivering policy complaint full mitigation on these sites?

- TOT1 Durley Farm 80-100 dws, 1.8ha of new SANGS is suggested;
- MAR2 Park Farm 100 dws, 1.3 ha new SANGS;
- LYM2 north of Alexandra Road 80 dws, 1.08 ha;
- NMT4 East of Caird Avenue 90dws, 1.21 ha;
- RING3 Crow Lane 150 dws, 2.1ha ha;
- FORD1 Whitsbury Road 100dws, 1.34 ha.

*Stand alone designations for SANGS: MM34 - TOT 19, TOT20; MM50 - HYD6, HYD7; MM77 - NMT10 and NMT11.*

12. On what basis have these sites been chosen for SANGS? What makes them more suitable than other land adjoining the settlements?

13. Is the main purpose of the sites to divert some existing trips away from the SPA to compensate for, rather than directly cater for, new trips arising from new housing?

14. What are the prospects for delivering all these allocations for SANGS? Council to summarise its understanding of the position of the landowners (with dates of most recent discussions) and any relevant decisions taken by public bodies owning the land.

15. How/when will the Council acquire sufficient control/agreement with private landowners to deliver SANGS? Do the project costs for these sites in the IDP include land acquisition costs?

16. In relation to HYD7 (*Land west of Lower Mullins Lane*) the Council (NFDC50 paragraph 22) comment that its priority will be securing a public right of way across the land which is privately owned, whilst not closing the door on the implementation of the whole SANGS proposals in the longer term.

- Given the high priority that needs to be given to the delivery of the SANGS, is the allocation of the privately owned part of HYD7 in the plan justified and effective?
- Should the plan refer only to the access link in relation to this land, which the Council sees as a priority and may be more deliverable?
- What are the prospects for delivery of that part of HYD7 owned by the Town Council, given that longstanding proposals for open space which have not been delivered? Council to respond to the possible difficulties for early implementation highlighted in rep 123 (e.g. paragraph 2.12).

(I do not regard the merits of residential development on any part of the land at Mullins Lane as a matter for discussion at these hearings. It is not a matter that arises directly from the Proposed Modifications/supporting evidence.)

17. In relation to NMT10, paragraph 4.128 of the plan says: *in the event that the existing playing fields become surplus to the Education Authority requirements ...* Have the Education Authority expressed any view as to whether this land will or will not be surplus in the future?

18. What are the consequences if some of the free standing SANGS allocations are undeliverable or not otherwise justified?

*New/enhanced walks*
19. Will the proposals be effective in contributing to mitigation?
   - What are the key components of making walking routes more attractive on a regular basis (bearing in mind that all rights of way should be accessible in any case)?
   - Are there realistic prospects of delivering such enhancements?
   - Do suggested improvements require 3rd party agreement or do they have to be delivered by the Highway Authority.

20. Suggested walking route proposals are shown as thick red lines on the settlement plans in the SPD. To better illustrate what is proposed would the Council please provide revised plans for the settlements which show the character of the enhanced routes more clearly i.e. what are existing rights of way; what parts are using footways alongside a road (i.e. pavement); what parts will always require walking on road; and what, if any, are new (ROW or other) links. As these proposals are shown only in the SPD, I am not intending to consider the merits of individual routes only better understand the scope for what this type of provision might achieve.

Access Management/enhanced Ranger services

21. What confidence is there that appropriate access management measures will be in place?

22. Table 28 in the SPD (p64) shows the likely time frame for the Wildlife Ranger and Coastal Warden as 2014-2018 and 2014-2026 respectively. Does this mean that the Ranger/Wardens will start in 2014. Do they need to and is there the money available to make this happen?

Overall delivery/funding/monitoring

23. The SPD (NFDC46 paragraph 5.37) states that through the monitoring process the Council will ensure that the appropriate mitigation measures are implemented in step with development of new residential development. Given that over half of the overall residential development over the plan period has already been built (SPD paragraph 7.8) without any mitigation what does this mean in practice? Is a catching-up exercise necessary? Am I correct in understanding that, as set out in the SPD, the total scale of mitigation has been assessed on the total number of dwellings expected to be built over the whole plan period (including those already built/permitting)?

24. Is the Council’s approach to mitigation on a settlement-by-settlement basis appropriate? For smaller schemes making only financial contributions for mitigation would planning permission have to be refused if mitigation measures in that settlement had not been implemented or were not about to commence? If so, should this be made clear in the plan?

25. How does the likely funding expected to be received from CIL over, say, the next 5 years (if the currently proposed rates, which are still at Examination, were to be adopted) compare with the expenditure necessary on mitigation projects necessary to overcome the mitigation deficit and likely further permissions in the same period. Is the Council’s expectation of delivery realistic, bearing in mind that CIL is not payable on affordable housing?

26. Several parties seek additional wording to emphasise the priority that the Council should give to funding mitigation projects. However, would any such
wording (particularly if imposed as a main modification) be of any consequence for Council decisions on public spending?

27. What are the consequences if it appears that there will be a significant early shortfall in funding to implement planned mitigation? What are the alternatives?

28. Monitoring effectiveness of the mitigation strategy is part of the strategy. Given likely uncertainties about delivery and effectiveness should the plan make clear that progress will be monitored on an annual basis and the overall effectiveness will be reviewed in time to inform the planned Local Plan Review (i.e. within 2-3 years)?

Consequential matter – formal open space

29. Some of the sites now proposed to be allocated as SANGS were previously proposed as formal public open space to meet identified local deficits, either as part of housing allocations or as free-standing open space sites. No replacement sites for formal opens space are proposed. The Council’s justification for this approach is set out in the SPD paragraphs 5.25-5.26 and NFDC50 paragraphs 24-31. In particular, the Council considers that given the priority will be to fund the mitigation strategy there would be no funds available to deliver any other open space. There is no evidence to suggest otherwise. Any other further comment?

Habitat Regulations Assessment

30. Is the conclusion of the Habitat Regulations Assessment, September 2013 (NFDC47) justified?

Natural England (NE) express various concerns in their letter of 15 November 2013. I would urge the Council to (continue) to discuss with NE how its concerns might be met, so that NE is at least satisfied that the HRA is justified.

New housing allocations: MMs 67, 68, 70, 71 and 79

Inspector’s comments for those new to this Examination/hearing.

31. The Council has previously made clear that the indication in the text of the plan of the number of dwellings expected to be delivered on allocated sites is intended to be indicative only. If the allocations are confirmed in the plan when adopted, the appropriate number of dwellings would have to be assessed at the planning application stage. The hearing is concerned primarily with the principle of residential development rather than with any specific scheme or layout.

32. I have previously indicated that I consider that the Core Strategy provides adequate justification, in principle, for amending the Green Belt in order to accommodate allocations to deliver sites to meet affordable housing needs under CS12.

NMT1a Land West of Moore Close.

33. Would the proposed residential development have an adverse impact on the character or appearance of the adjoining Old Milton Green conservation area? Council to provide a plan of the conservation area and any previously published appraisal of its qualities/character.
34. Is the junction of Moor Close with the A337 adequate to take the additional traffic or could it be made adequate within the highway or allocated land?

35. Is the site Grade 1 agricultural land and, if so, what if any would be the significance of its loss?

*NMT1b* Land off Park Road, Ashley

36. Is this site deliverable? What is the attitude of the landowner? Is access available/in control of the landowner?

37. Is Park Road and its junction with Ashley Common Road adequate to safely accommodate the additional traffic arising from the scale of development proposed?

38. Is the potential for surface water flooding a particular problem on this site such that addressing it needs to be highlighted in the allocations policy?

39. Would the development have an adverse impact on the adjoining Stanley’s Copse SINC? What is the role of the landscape buffer alongside this woodland required by the policy?

**Gypsies and Travellers (MM17)**

*Inspector’s comments*

40. During the suspension of the Examination a *Travellers Accommodation Assessment for Hampshire* 2013 was published which sets out the assessed need for additional pitches for travellers to 2027. These needs are referred to in MM17. I have not seen this document and it does not appear as a Core Document. Total need to 2027 is indicated as 12. The TOT10 allocation made in this plan provides for 8 pitches. MM17 indicates that it is not the Council’s intention to meet the additional needs by any further allocations. However, this approach is not consistent with national policy and I could not endorse it. Nor could I endorse the conclusions about need without examining the Assessment in detail.

41. The Council had previously indicated that any further needs arising as a result of this new study would be addressed in the Partial Review of the Local Plan included in the Council’s Local Development Scheme (LDS) (December 2012). Consistent with the approach I have taken to date in relation to such matters as overall housing needs (see below), I consider that this new evidence would need to be assessed and taken into account in the planned partial review of the Local Plan or, if that did not proceed, in the full review of the Local Plan shown in the LDS to be submitted for Examination in late 2016. MM17 would need to be amended to reflect this position.

42. Any further comment from the Council?

**Role of this Local Plan in relation to housing provision**

(*A matter arising principally from representations on the implications of the revocation of the South East Plan.*)

*Inspector’s comments*  

43. I had not previously indicated any need for the Council to undertake a fresh assessment of housing need/requirements as this was clearly not part of the intended scope of this allocations Plan. Since I did not require any modifications to be pursued in this regard I had not set out my views on this matter and my response to representations will be in my final report, so far as is necessary.
44. In accordance with the LDS (December 2012) is the Council still seeking to undertake a full Local Plan review to be submitted for Examination in late 2016?

Simon Emerson
Inspector
2 December 2013