



LOCAL PLAN PART 2: SITES AND DEVELOPMENT MANAGEMENT – FURTHER CHANGES

1. PURPOSE OF THIS REPORT

- 1.1 This report recommends Cabinet to agree some further changes to the submitted Local Plan Part 2 in response to matters that have arisen during the Public Examination. If Cabinet agrees these changes, they will be published for public consultation prior to submission to the Public Examination Inspector. The Inspector will consider the changes and the comments made on them as part of his examination of the plan. The issue of particular significance is the need for a strategy to mitigate the impacts of new residential development on the European nature conservation sites in and around the plan area.

2. BACKGROUND

- 2.1 Following recommendations of Cabinet of 6th June 2012, Council on 18th June 2012 resolved that the Local Plan Part 2 (Sites and Development Management) be submitted to the Secretary of State to go forward into a Public Examination.
- 2.2 The Public Examination into the Plan started on 12th July 2012. The Public Examination is taking considerably longer than was initially envisaged. This is as a consequence of two factors:
- (i) Two periods of illness of the Inspector that have delayed the holding of the Examination Hearings;
 - (ii) Adjournment of the Public Examination by the Inspector from 24th April 2013 until 11th October 2013. This is in order that the Council may carry out further work and submit proposals to the Inspector regarding mitigation of the effects of the residential development proposed in the Local Plan Part 2 on the European nature conservation sites in and around the plan area (as set out the Inspector's Preliminary Conclusions on Compliance with the Habitat Regulations, included as Appendix 1 to this report).
- 2.3 During the course of the Examination held so far, various other changes to the submitted plan documents have been discussed in response to issues raised by the Inspector or because of other changes in circumstances, especially the publication of the National Planning Policy Framework (NPPF). The Inspector's Post-Hearing Note 4 – Required changes for further consultation and suspension of the Examination (attached as Appendix 2 to this report) outlines the changes that he considers necessary in order to make the submitted plan "sound" so that it can be adopted.

3. THE FURTHER PROPOSED CHANGES

- 3.1 The schedule of Proposed Changes to the Submitted Plan is set out in Appendix 3 to this report (Schedule of Main Modifications). All of the changes required for "soundness" have been either discussed at the Examination Hearings or considered in officers' written responses to the Inspector. Your officers accept that the inclusion of the changes set out in the Inspector's Post-Hearing Note 4 will be required to make the plan "sound". The Planning and Transportation Portfolio Holder has been

kept informed of the Proposed Changes. None of them affect the fundamental strategy of the submitted plan.

- 3.2 The Inspector's Post-Hearing Note 4 does not require fundamental changes to the site allocations proposed for development by the Council. The changes required by the Inspector can be seen in full in Appendix 2: The Inspector's Post-Hearing Note 4. The only part of the Plan Area where the Inspector requires that additional sites be allocated for development is New Milton, where the Inspector considers that further sites are needed to deliver affordable housing in the short term.
- 3.3 Following further consideration of possible additional residential sites by officers, and discussion with local Members via the Local Plan Members' Advisory Group, the Proposed Changes Schedule in Appendix 3 to this report include two new allocations for residential development in New Milton (see Appendix 3, pages 69 – 72):
- NMT1a: Land west of Moor Close
 - NMT1b: Land off Park Road, Ashley.
- 3.4 With regard to Dibden Bay, the Inspector's Post-Hearing Note does not require an allocation or safeguarding policy for a port as was put forward by some objectors (including ABP).

4. THE STRATEGY FOR MITIGATING THE IMPACTS OF RESIDENTIAL DEVELOPMENT ON EUROPEAN NATURE CONSERVATION DESIGNATIONS.

- 4.1. The way in which the submitted plan dealt with the mitigation of the impacts of development on European nature conservation designations was not considered by the Inspector to meet the requirements of the relevant European legislation and regulations. This is an issue which has become increasingly important for plan-making authorities during the time that the Council's Local Plan has been under preparation.
- 4.2 In response to the Inspector's requirements (as set out in Appendix 1 to this report) the Council has now, with the aid of expert consultants, carried out the required further work on the required mitigation strategy. The consultants' report is included as Appendix 4 to this report. It includes evidence and recommendations and takes the form of an addendum to the Habitats Regulations Assessment of the Local Plan Part 2.
- 4.3 The schedule of Proposed Changes, included as Appendix 3 to this report, includes a new policy: Policy DM2b: Mitigation of Impacts on European Nature Conservation Designations and related explanation. This is based on the consultants' recommendations. The mitigation strategy consists of 4 main elements:
- (a) Provision of "Suitable alternative natural greenspace areas" (SANGS) in order to provide alternative recreational opportunities to the areas designated as of international nature conservation importance;
 - (b) Access and visitor management measures for the New Forest – to modify visitor behavior so as to reduce the harmful effects of visitors on the most sensitive areas;
 - (c) Monitoring to assess the effectiveness of the measures to mitigate the impacts in the New Forest, with further review of the mitigation strategy if necessary. It is provisionally assessed that measures (a) and (b) between them will need to offset some 80,000 trips a year to the New Forest European nature conservation designations

(d) Contributing to measures to manage visitors to the Solent and Southampton Water European nature conservation designations as set out in the Solent Bird Disturbance Project Phase 3 (Towards an Avoidance and Mitigation Strategy).

4.4 The Mitigation Strategy outlined in Policy DM2b is expanded on to provide further details of the specific proposals and the implementation mechanisms in the draft Supplementary Planning Document (SPD): Mitigation Strategy which is included as Appendix 5 to this report. The Appendix is attached for members of the Council only. The Appendix may viewed on the Council's website. It is proposed to consult on this draft SPD in parallel with the consultation on the Proposed Changes to the Local Plan Part 2. The draft SPD will be revised if necessary in response to comments received during the consultation before being recommended to Cabinet for adoption as Council policy.

5. THE PROCEDURE FROM NOW ON

5.1 The Inspector is asking the Council to carry out a 6 week public consultation on all of the Proposed Changes to the Local Plan Part 2 before these changes, together with the responses to the consultation, are formally submitted to him. If Cabinet agrees the Proposed Changes, then the public consultation will take place from late September until early November. The timing of the further Public Examination Hearing sessions will be set by the Inspector but these are unlikely to be before mid December. Following the further Hearings (unless the Inspector requires further work and/or consultations) we would expect to receive the Inspector's Report. The Inspector's Report will make recommendations to the Council of changes needed to make the plan "sound" and Cabinet will have an opportunity to consider those changes at that time. The expectation is that the Inspector's recommendations will be followed. It is hoped that the Local Plan will be adopted in the Spring of 2014.

5.2 The Examination is a joint Examination into the Local Plan Part 2 and the Council's proposed Community Infrastructure (CIL) Charging Schedule. No further changes are proposed to the CIL Charging Schedule.

6. ENVIRONMENTAL IMPLICATIONS /CRIME AND DISORDER IMPLICATIONS/ EQUALITY AND DIVERSITY IMPLICATIONS

6.1 The environmental implications have been taken into account in drawing up the proposed changes, and carrying out the related assessments. The Proposed Changes have no significant implications for Crime and Disorder or Equality and Diversity. Appendix 6 comments on the implications of the Proposed Changes for the Sustainability Assessment/Strategic Environmental Assessment and Habitats Regulations Assessment/Appropriate. The proposed Mitigation Strategy is now assessed as meeting the requirements of the Habitats Regulations Assessment. Officers do not consider that any of the changes proposed in this report have any major implications for these assessments.

7. FINANCIAL IMPLICATIONS

7.1 The protracted Public Examination will cost more than originally envisaged but can still be accommodated within the Local Plan budgets.

7.2 The funding of the Mitigation Strategy outlined above in Section 4 will have significant implications with regard to Section 106 requirements on developers and on the allocation of the Community Infrastructure Levy once adopted.

8. COMMENTS OF PLANNING AND TRANSPORTATION PORTFOLIO HOLDER

- 8.1 The Inspector's post hearing note is essentially supportive of our Local Plan Part II submissions and in particular does not query our site allocations. Where concerns have been raised we have now undertaken further work to address the issues. These will now form part of a further 6 week consultation, following which the Public Hearing will reopen. I am confident that our proposals will lead to our Plan being found "sound", so that it can be formally adopted in Spring 2014.

9. RECOMMENDATIONS

- 9.1 That **Cabinet** agrees to:
- (a) publishing the Schedule of Proposed Changes to the submitted Local Plan Part 2, as set out in Appendix 3 to this report for a six week public consultation period, after which the Proposed Changes and representations received will be submitted to the Public Examination Inspector for his consideration in the re-opening of the Public Examination following its adjournment;
 - (b) publishing the draft Supplementary Planning Document on Mitigation Strategy for a six week public consultation period;
 - (c) authorising the Policy Planning Manager to make (in consultation with the Planning and Transportation Portfolio Holder) clarification and editing changes in preparing the Schedule of Proposed Changes to the Local Plan Part 2 for consultation and subsequent submission to the Inspector, and in finalising the draft Mitigation Strategy SPD for public consultation.

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Background Papers;

Sites and Development Management
Development Plan Document: New
Forest outside the National Park –
Addendum to Habitats Regulations
Assessment of Proposed Submission
Document (prepared by LUC, August
2013)

Appendices

Appendix 1	Inspector's Preliminary Conclusions on Compliance with the Habitat Regulations
Appendix 2	Inspector's Post Hearing Note 4 – Required changes for further consultation and suspension of the Examination Addendum to Inspector's Post Hearing Note 4 – Required changes for further consultation. Policy criteria for NMT2, 3 and 4
Appendix 3	Schedule of Main Modifications

Appendix 4	Addendum to Habitats Regulations Assessment of Proposed Submission Document, prepared by Land Use Consultants
Appendix 5	Draft Mitigation Strategy Supplementary Planning Document
Appendix 6	Sustainability Appraisal and Habitats Regulation Assessment Statement for Main Modifications