

Appendix 2: Inspector's Post Hearing Note 4 – Required changes for further consultation and suspension of the Examination

Addendum to Inspector's Hearing Note 4 – Required changes for further consultation – policy criteria for NMT 2,3, and 4.

NEW FOREST DISTRICT COUNCIL – LOCAL PLAN (PART 2) EXAMINATION

Inspector's Post Hearing Note 4 – Required changes for further consultation and suspension of the Examination

This note highlights changes which should be the subject of further consultation by the Council so that I am in a position to include them as Main Modifications in my report to remedy unsoundness if I finally conclude that they are needed and appropriate. The Council also needs to include in the consultation all the changes arising from the additional work on Habitat Mitigation and pick-up any consequential changes to other parts of the plan or the need to amend or supersede changes highlighted below. In progressing the Examination, I will need to review any implications of such changes on the soundness of the plan's policies and proposals and may need to alter views expressed in this note. Finally, the Council can consult on any other changes it by then considers are necessary. All changes should be expressed as changes to the submitted plan.

Most of the changes below are those suggested by the Council immediately before, during or after the hearings. I have indicated where these should proceed to be the subject of consultation. If the Council consider that I have omitted any of its proposed changes in error, please let me know. There are a few matters where there is unsoundness, but where I am not in a position to suggest a particular change for consultation. These are: open space on TOT1; some of the retail policies; and additional/alternative sites for affordable housing in New Milton. Further work is required by the Council on these matters.

The South East Plan has now been revoked. Whilst this has been long expected and was a matter touched on in some of the hearings, the above consultation provides the formal opportunity for anyone to comment on the significance of that step for the soundness of the plan and this opportunity should be highlighted. In addition, representations can also refer to the ONS Household Projections by local authority area published in April 2013 so far as is relevant to the scope of this plan and previous representations made.

I have requested already requested that the Council prepare a draft schedule of Main Modifications for when the Examination resumes. The Council should include i) all the changes below ii) all the changes previously the subject of consultation which have not been superseded ii) further changes in relation to Habitat Mitigation iv) any other changes the Council has introduced as necessary for soundness.

This note does not address matters on which I consider that no changes are required. The explanatory reasons in this note are for the benefit of the Council (and other parties) at this stage and should not be included in any consultation. Following consultation on all the changes, I will consider the additional representations received and then indicate how the Examination will proceed. Where substantial changes are proposed based on new evidence, resulting in new matters being raised in the representations, it is likely that further hearing(s) will be required. Given the passage of time, when I come to finalise my report and make recommendations I will need to take into account any other changed circumstances.

Suspension

The Council is intending to commission further work in relation to habitat mitigation (NFDC41) and will then need to formulate new policies/proposals in the light of that evidence before being able to undertake the required consultation on all the changes. The Council currently envisage this consultation in late summer or early autumn, depending on the need to report any matters to the Council's Cabinet. I would not be able to resume the Examination until the consultation is complete and the representations have been collated, with a summary schedule produced (as the Council did for the representations on the published plan). I therefore intend to suspend the Examination until 11 October 2013. The actual date on which I am able to recommence the Examination may be later depending on the timing of the consultation and my own commitments.

During the suspension I will not undertake any work on the Examination with 2 specific exceptions and will not be drawn into any debate about other matters:

- Firstly, I will comment on any further views expressed by the Health and Safety Executive on the acceptability of residential development on BLA1 Blackfield, in the light of clarification questions I am asking the Council to pursue with the HSE and on which BLA1 hearing participants will be able to comment (see Post Hearing Note 3). I would hope to be able to comment in the first part of June so that if any changes are required they can be weaved into the further work being undertaken by the Council.

- Secondly, as explained in my Post Hearing Note 1 - I am willing to provide a preliminary (and brief) view as to whether the further work undertaken on habitat mitigation and the scope of the proposed changes are likely to address the problems I have identified. My focus at that stage would be in highlighting any obvious gaps or inconsistencies, rather than the details, so as to make the subsequent consultation as effective as possible. I would anticipate this occurring during August. The Council should keep me informed of progress on the matter so that I am available to respond at the appropriate time. (What is sent to me will need to be published at the time sent and my response will also be public.)

Changes for Consultation

1. Development Management Policies

1.1 Text at 1.2 and 1.11 needs updating to reflect that at least one policy in the adopted local plan is to be retained (DW-E12) and in the light of issues raised below there may be others.

DM1 and DM2

1.2 Include in consultation Council proposed new policies and related text: Chs 2.19i, 2.20, 2.21, 2.22 (to be set out in full) as in NFDC16.

DM3

1.3 New change: Delete from the submitted plan all of 2.15: *The study did not identify ..onwards.* (This supersedes Council suggested change 2.23.)

1.4 Include in consultation Ch 2.26.

1.5 The text in the published plan emphasises the limited opportunities identified in the Council/NPA study, but those conclusions have proved unduly pessimistic. The existing extensive references to the Council/NPA study is disproportionate, given the intended and appropriate further reference to the "Towards a Hampshire Energy Strategy". The changes avoid the text setting an unduly restrictive tone for the application of the policy.

DM5

1.6 Include in consultation NFDC35. (This would replace that part of previously proposed change 2.3 to DM5 e(iii)) NFDC35 appears more directly related to mitigating risk than the previous change.

DM7 and DM8

1.7 Include in consultation the further changes as captured in NFDC17a up to paragraph 2.31 inclusive i.e.

Ch 2.24

Ch 2.5 V2

Ch 2.25.

DM9

1.8 My views remain as stated in ID9, pending the further work by the Council on Habitat Mitigation, namely:

Split the purpose of DM9 into 2 separate policies. One policy would cover those elements of Green Infrastructure not covered in saved Local Plan policy DW-E12 (or its subsequent revision) or DM7, primarily linkages between these other open spaces within settlements. The wording of the policy would need to reflect the fact that such areas would be identified in SPD and could not have the same degree of protection afforded to sites which have been designated in a development plan and tested prior to adoption.

A separate policy should set out the complete suite of measures that the Council finally determines will be taken forward to ensure necessary mitigation for all European sites.

1.9 As agreed at the hearing and set out in my agenda, all the consequential changes to maps need to be picked-up:

Where land does not meet the criteria for designation under DM7 (as set out in NFDC13), it should be removed from the plan. The deletions from the maps in the Plan's Appendices highlighted in the Council's statement are also necessary.

As a consequence of withdrawing DM8: in Appendix 1, all of Part E and row PM-ALL-A5 in Part A (first page) need to be deleted.

1.10 The text will need to be changed to reflect the changed scope of the policies and DW-E12 removed from the list of superseded policies. (As a result of the above, Council suggested changes 2.27 and 2.28 are superseded.)

Green Belt

1.11 Include in consultation NFDC36 - proposed removal from Green Belt of land south of Hinton Admiral Railway station.

Gypsies, travellers and travelling showpeople

1.12 Include in consultation Council proposed additional text in NFDC19. However, given the delay before consultation, the Council should be alert to any implications and need for further changes arising from the new GTAA.

1.13 In addition, on the assumption that the soon to be published new GTAA has also considered the needs of Travelling Showpeople, similar new text needs to be inserted in 2.59 to indicate that if further new provision is needed within the plan area it will be addressed in the partial review.

Employment

1.14 The Council has proposed a definition of employment for the application of policies in the plan (NFDC34) to be inserted after paragraph 2.63 of the plan). Such a definition is important for compliance with the NPPF. I have amended the Council's suggested wording for clarity, to avoid specific reference to CS17 and CS18 and to refer to the sequential test in relation to employment uses which are also town centre uses. Consult on:

Uses which are appropriate on employment sites include: industrial, office, business, storage and distribution uses falling within classes B1, B2 and B8 of the Use Classes Order; other uses which are compatible with those listed above and which also generate employment, such as leisure, hotel, and retail. (Any town centre uses will also be the subject of the sequential test and other assessments required by national or other local policies). (Employment in the construction stage of a development is not included in this definition.)

DM12

1.15 Include in consultation revised new policy as tabled by the Council at the hearing and set out in NFDC24. (It would be best to consult on this as a complete replacement policy). In addition, Council to review (with owners/operators of the sites as appropriate) and include as consequential changes:

- the precise position of the red dots which identify the facilities the subject of DM12 (some sites are removed from the original list in DM12).

- the names/descriptions of the sites listed in the policy.

(This supersedes the Council's previously published changes 2.9 and 2.10.)

DM14

1.16 As previously indicated, the submitted policy is unsound because it introduces additional tests for retail development not found in the NPPF. Given that the Council does not seek to depart from national policy in relation to retail development outside town centres no further explanation is needed, other than the setting of the local lower threshold for retail impact assessments of 1,000 sq m. This does not need to be in a policy, although it is not unsound to be so included. On the basis of the above, the policy need say only:

Within the town centre boundaries defined on the Proposal Map town centre uses including improvements and extensions of existing commercial premises will be permitted subject to the further policies in this plan concerning particular sites and areas. Outside town centre boundaries retail developments of over 1,000 sq m will be subject to an impact assessment.

1.17 However, although sound, I see no reason for such a reduced policy given DM17 concerns non-retail uses within town centre boundaries, DM15 and 16 deal with primary and secondary frontages and other policies identify opportunity sites. The 1,000 sq m threshold could be in text only. Council to consider the need for DM14 in the context of the other changes to retail policies that are required. (This supersedes Council changes 2.29 and 2.30.)

DM15

1.18 The NPPF paragraph 23, 3rd bullet states that LPAs should:

Define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres.....

Primary shopping areas (PSAs) and primary and secondary shopping frontages are all defined in the Glossary of the NPPF. The PSA has relevance for the definition in the NPPF of *edge of centre* locations.

1.19 The Proposals Map defines PSAs and, beyond these areas, secondary frontages. No primary *frontages* are defined. Policy DM15 is titled Primary Shopping Areas. The policy wording goes on to refer to ground floor street frontages and the wording is a relevant policy for controlling development in primary frontages. The Council indicated at the hearing that PSA defined in the plan were a local approach in lieu of defining primary frontages and that the PSAs had not sought to include any secondary frontages, contrary to the definition in the NPPF.

1.20 The policy is unsound as it is not consistent with national policy and there is no local justification for departing from the requirements of the NPPF. As primary frontages have not been defined, the reference to frontages in DM15 is not therefore effective. PSAs have been defined, but not in a way consistent with the NPPF definition because they have excluded any of the secondary frontages. The use of terminology defined in the NPPF but applied locally in a different way is confusing and is likely to undermine effective decision making, such as when considering whether any retail proposals in certain locations are appropriately regarded as edge of centre.

1.21 I note the wording of CS20(b) which refers to a presumption against the loss of A1 premises within primary shopping areas. However, I do not regard that policy as justification for now departing from the approach required by the NPPF. If a small part of the wording of CS20 needs to be superseded by the wording of policies in this local plan then that could be done.

1.22 I am unable to specify a change to overcome this unsoundness. The solution is to define, based on appropriate evidence, the 3 distinct areas referred to in the NPPF, namely: Primary Shopping Areas and primary and secondary shopping frontages and amend the wording of relevant policies to fit these properly defined areas. I do not know whether the Council has evidence to do this or how long this would take. If the Council wanted to defer this task to a later part of the Local Plan it would need think carefully about what retail policies could remain in this Local Plan and what adopted Local Plan policies should also remain.

DM17

1.23 The Council tabled NFDC32 at the hearing, which makes additional changes to that specified in Ch2.30. Consult on NFDC32, but the reference in the policy to DM14 is no longer necessary and the wording of the policy may need further consideration in the light of the Council's response to the other issues concerning retail definitions highlighted above.

2. Totton and Waterside

Waterside railway

2.1 Include in consultation the deletion of station allocation policies TOT22.3 paragraph 3.65; MAR8.2 and paragraph 3.102; and HYD8.1 and paragraph 3.132. Council to include revised updated text for paragraph 3.5. (Ch 3.12 V2 needs changing again and change 3.13 is superseded.)

2.2 The Council indicated at the hearing that it was no longer considered necessary to allocate/safeguard stations on the Waterside line. Recent work (see NFDC33) indicates that the most likely locations are all within Network Rail operational land and that station size and facilities would be the minimum possible. On the basis of this evidence, the allocations at Hythe and Hounslow are not justified and the allocation at Marchwood (which is still envisaged as a station), utilising an existing platform, is not needed. There is insufficient evidence to draw any conclusions as to whether any alternative station site(s) would be operationally effective, deliverable or have any clear benefits over and above the sites currently being considered by the scheme promoters.

A326

2.3 Include Council change 3.17 to reflect the changed position of the County Council.

TOT1

2.4 TOT1 as submitted is unsound principally because of the lack of clarity, effectiveness and justification for the requirement for 3.2ha open space (8th bullet of submitted policy). Aspects of this unsoundness are addressed in the change incorporated in NFDC25 which now properly distinguishes between the provision of open space for the residents of the housing proposed and the use of part of the overall allocation for additional open space to meet some of the existing needs of Totton.

2.5 However, the provision of about 1.8ha of suitable land for formal public open space (9th bullet in NFDC25) has not been adequately justified. This provision is over and above what the developer is required to provide for the new housing proposed in accordance with CS7. There is a clear need for additional formal open space in Totton, but the evidence to justify the selection of this site to accommodate some of this need is lacking.

2.6 Possible alternative locations for such open space have not been tested other than implicitly as part of alternative housing sites. There is no reason why this open space provision should be provided as part of a housing allocation. The Council had, I understand, anticipated being able to secure the delivery of such provision here (and elsewhere) on the back of the residential development, but now accepts that this is not justified and would not be deliverable in terms of the legal scope of a S106 obligation. Potential alternative sites to meet the open space need do not have to be sites which would be suitable for housing.

2.7 In Totton, there is a site (TOT12) which appears to be deliverable for about 1.8ha of open space (albeit informal, rather than formal open space) under the terms of the recently revised S106 obligation relating to development by Linden Homes elsewhere. I note that the TOT12 site is not acceptable to the Council as open space, but its existence and apparent deliverability reinforces the need for clear justification for the choice of any alternative/additional site(s).

2.8 In principle, TOT1 is an acceptable location for housing. The use of 1.8ha for additional open space means that there is an opportunity lost for making the most efficient use of this site for housing whether now or in the future. Furthermore, given: the need to retain most, if not all, of the SINC within the allocated area; other physical constraints; the shape of the site; and the position of the access, the

requirement for 1.8ha of additional formal open space (which could not be within the SINC) would impose a significant constraint on achieving a practical, attractive and efficient housing layout.

2.9 For all these reasons, I cannot conclude that this element of TOT1 is sound. The Council needs to address afresh the provision of additional formal open space to meet some of the existing needs of Totton. There is not the evidence before me to indicate a sound solution.

2.10 In addressing this matter, I see no reason why the area being considered as new formal open space to meet the general deficit in Totton should be restricted to only 1.8ha given that the identified formal open space deficit is much larger at 22.9ha. 1.8ha is the area of new open space that is potentially being foregone as a result of the employment allocation in TOT12. But it is too narrow an approach to see the allocation within TOT1, or any alternative additional open space proposal, as replacement for that site. In addition, since formal open space is to provide sports pitches, it may be useful to consider what a particular location/site might be able to deliver in terms of specific pitches, so that any new formal open space is used to best effect.

2.11 I cannot therefore specify what the wording of TOT1 should be at this stage. Any proposed change to the policy should, however, include the deletion of the 2nd sentence of the policy. That sentence is not needed, is inconsistent with the wording of other similar allocations and may act to limit the efficient use of the site over and above the legitimate constraints set out in the policy. In addition, any change should include the further change accepted by the Council at the hearing namely the 4th bullet: delete *provision* and insert *retention and enhancement*.

2.12 If the 1.8ha of additional formal open space is removed from TOT1 then the capacity of the site would be more than the 80 dwellings referred to 3.14 and the reference to the enhanced provision of open space would be no longer relevant. The paragraph would need deleting and any new relevant text inserted. The further work being undertaken in relation to habitat mitigation may, of course, have implications for this and the other main housing allocations. The Council will need to include any relevant further changes that arise as a result.

TOT11 Eling Wharf

2.13 Given the significant environmental problems which need to be addressed at this site, a flexible approach to the range and balance between different future uses is justified to provide good prospects of a viable development, whilst still ensuring that the site delivers a significant scale of new employment. In this context, the flexibility to explore some retail development is justified whilst being clear that the site is not allocated for retail development. The Council has suggested a change to this effect (NFDC16, Ch 3.16). There are probably several ways that this can be expressed. I prefer, in this regard, the wording suggested on behalf of the landowner (statement by WYG, January 2013, p6, 3rd bullet) because this sets the test for any such retail proposal firmly within the existing policy context of CS20 and the NPPF, whereas the Council's suggested wording introduces its own test and it would be ambiguous as to whether these wider policies should still be addressed. The WYG bullet refers to *town centre uses* not just retail. The wording of the first part of the policy will need to be looked at carefully to make sure that it is internally consistent and clear. Any wording needs to recognise that a small part of the site is within the town centre boundary. Council should finalise the wording for consultation reflecting the above.

2.14 Given the importance of enabling a viable development to come forward, I see no need to exclude some residential development as part of the mixed uses suggested as suitable for adjoining Eling Quay in the southern part of the site. A change to allow sufficient flexibility for this to be considered should also be included in the amended wording for consultation.

TOT12 Land at Little Testwood Farm.

2.15 I am not requiring a change at this stage. However, a change may arise as a result of the Council's further work to properly assess alternative sites for additional open space in Totton. If the employment allocation was proposed for deletion then it would be essential for soundness for a replacement employment to be made of equivalent (or greater size). I consider that the employment provision in Totton is at the bottom of the range required by policy CS17 and anything less would be unsound.

TOT15

2.16 At the hearing, the Council suggested that TOT15.6 (railway sidings, Junction Road) should be deleted from the list of town centre opportunity sites. In the Council's view, the site is not required to be identified as an opportunity site, given the other sites so identified, and there is the potential to prejudice alterations to railway infrastructure that might be needed to maximise the use of the Waterside railway as sought by other policies in the plan. I agree that the identification of TOT15.6 has not been justified given that some of this land might be needed for increasing the operational efficiency of the junction of the Waterside line with the main line, particularly for freight.

2.17 Include in consultation: the deletion of TOT15.6 and the removal of the site from Map TOT-TC1.

TOT18 Rumbridge Street

2.18 There appears general acceptance that the existing proportion of retail frontages in the identified part of Rumbridge Street should be retained. On the basis of the most recent evidence from the Council, the Council's proposed changes to require a minimum of 40% to be retail appears justified. This is less restrictive than would apply in primary shopping areas/frontages, but more restrictive than in the identified secondary frontages.

2.19 Given that the policy applies to an area wholly within the identified Totton town centre and that there are identified secondary frontages adjoining the TOT18 policy area, it is illogical and inconsistent with the retail definitions used in the NPPF for TOT18 to be termed a *Local Shopping Area*. It should be either a primary or a secondary frontage to which the special 40% policy requirement applies. I do not have the evidence to identify to which category it is best suited. Using only the NPPF terminology of primary and secondary frontages within a town centre is necessary here because the NPPF refers to primary shopping areas as covering all the primary and some of the secondary frontages. If TOT18 continued to be regarded only as a local shopping area it would automatically be excluded from proper assessment as a potential part of the primary shopping area which the Council needs to define (see comments above on DM17). Exclusion from that assessment would not be justified.

2.20 Subject to deleting *Local Shopping Area* and substituting either primary or secondary frontage and any necessary additional text, Council proposed changes Ch 3.14 and 15 to be included in the consultation.

TOT22.1

2.21 Include in consultation Council proposed change 3.18, given the highway authority's decision on that scheme.

(TOT22.3 and paragraph 3.65 to be deleted - see Waterside railway above.)

Marchwood

MAR1

2.22 For the reasons given in my note 8 March 2013 (ID10), consult on an additional bullet to be inserted in MAR1 along the following lines:

- *The design and layout of the dwellings should ensure that acceptable living conditions will be created for their future occupiers, particularly in relation to noise from HGVs arising from the implementation over the plan period of policies MAR 5, 6 and 7.*

MAR2

2.23 Two changes relevant to MAR 2 are proposed by the Council in NFDC26 and both should be included in the consultation - deletion of paragraph 3.82 and insertion of *wherever possible* in 5th bullet

MAR5

2.24 As agreed at the hearing, first bullet should simply refer to DM12 (as will be amended, see comments above). The 2nd bullet (cycle lane) is not justified and should be deleted. Include both changes in consultation. (This supersedes Council change 3.19.)

MAR6

2.25 As with MAR5, first bullet should simply refer to DM12. The 3rd bullet is not justified and should be deleted. Include both changes in consultation. (This supersedes Council change 3.20.)

MAR7

2.26 The policy as submitted is unsound for the reasons set out in my agenda for the Marchwood employment sites dated 8 February 2013. A sound policy could be expressed in various ways. The most important element of a sound policy is to safeguard the Military Port for port and port-related uses and to make the most of the rail connection. Given the lack of evidence/assessment of the impact of the potential changes in the scale and nature of activities at the port that could take place, the Council's suggested wording in NFDC18 of balancing the interests of the port against acknowledged potential impacts is reasonable. In addition, to provide some flexibility, a criterion should be included to assess any non-port proposals. I therefore invite the Council to consult on a policy along the following lines:

Marchwood Military Port, as defined on the Proposals Map, is safeguarded for port and port-related uses.

The existing jetties/wharves and the railway connection to them should be retained. Proposals which make the most of the rail connection will be encouraged.

Development proposals will need to balance making the most of this important port infrastructure with:

(a) ensuring that additional traffic can be satisfactorily accommodated on the road network, and where necessary, mitigating any harmful impacts on the environment and local community;

(b) avoiding unacceptable impacts on the amenity of local residents, including from noise or disturbance from operational activity; and

(c) the visual impacts on the wider countryside, including the New Forest National Park.

In addition to the above, any non-port related proposals must be compatible with the port and port-related activity and not prejudice the effective utilisation of the port and rail facilities of the site.

2.27 As discussed at the hearing, the policy should apply to the area shown green in NFDC18, but enlarged to include:

- all of the jetties;
- the whole of the railway link to the main Waterside line.

I do not have the evidence to conclude that the small area of MOD-owned land on the northern boundary adjoining MAR6 should be included in the boundary as a matter of soundness.

2.28 The Council should also include appropriate replacement text (revising Ch 3.26) in support of the policy to make clear that the port is a national asset to serve both the needs of the military and as well as the general need for additional port facilities. This text should acknowledge the benefits of increased port use as well as the constraints. (Proposed changes 3.21-3.26 and previous change 3.7 all superseded.)

MAR8.1

2.29 Include in consultation NFDC26 the deletion of policy MAR8.1 and paragraph 3.101 in the light of the position of the Highway Authority.

(MAR8.2 and paragraph 3.102 to be deleted - see Waterside railway above.)

Hythe

HYD2

2.30 The County Council are planning a new school building on the site. The District Council should be alert to whether any such emerging plans suggest that no land would remain for housing and if so consider changes/deletion of the policy.

HYD7

2.31 Include in consultation Council proposed changes Ch 3.27 and 3.28. This site is allocated for open space. Part of the site is in public ownership and part in private ownership. The owner of the latter part objects to the proposed allocation. The land is not suitable for formal open space, but there is no deficit of informal open space in Hythe. In these circumstances that part of the allocation in private ownership cannot be justified and is unlikely to be effective.

(HYD8.1 and paragraph 3.132 to be deleted - see Waterside railway above.)

Blackfield BLA1

2.32 The BLA1 site straddles the middle and outer HSE consultation zones relating to various industrial sites at Fawley/Hythe. These zones trigger consultation on planning applications with HSE. For effectiveness, there should be a very low risk of any subsequent planning application for housing on this site resulting in an objection from HSE. I am not satisfied that NFDC29 provides sufficient reassurance on this point. As explained at the hearing, I am asking the Council to pursue further clarification with HSE. BLA1 hearing participants will have the opportunity to comment on the response (see Post Hearing Note 3). When I have seen all the material, I will decide if any changes in relation to BLA1 need to be included in the main consultation on changes.

3. Coastal Towns and Villages

Lymington

LYM10.6

3.1 This is a proposal to widen the footway alongside Bath Road. At the hearing, the Council tabled a plan (NFDC22) highlighting that, in practice, the policy need only apply to a short section of the footway and not the length shown in the plan accompanying the policy.

3.2 Opposite 27-31 Bath Road, the existing footway tapers from about 1.4m to about 1.0m. The narrowest section is unsuitably narrow for such an important and well-used footway. The proposal to widen this short section of footway is clearly justified. The Council accepted that there was less need and little likelihood of widening the rest of the footway along Bath Road and that the length of the proposal shown in the local plan should be shortened to the critical narrow section.

3.3 The tapering section of footway appears to have been reconstructed by the highway authority only a few years ago and funded by the adjoining landowner. Unfortunately, the new path was not built to the width shown on the plan for that work, which was part of various changes along the road frontage. This history has, understandably, undermined the credibility of the Council's proposal with the landowner and he is opposed to the proposal to widen the path onto his land. Notwithstanding this background, the width of the path is clearly unsatisfactory. Although there may be little or no prospect at present of the footway being widened onto adjoining private land, the widening could be

achieved by extending into the carriageway and compensatory widening of the road onto the grass verge opposite. Given that only a small realignment would be required, such works would not materially affect the safe operation of the narrow section of road to the north where there is single carriageway priority working.

3.4 The text of the plan (4.44) indicates, among other matters, that the creation of a new pedestrian link should be explored when adjacent areas are redeveloped. This does not accurately describe the very minor works that are envisaged by the Council in relation to the widening of the footway. Furthermore, there is no prospect of a completely new pedestrian link passing through the adjoining commercial boatyard. The explanatory text at paragraph 4.44 needs amending to be more realistic and to reflect that there is an alternative way of achieving the proposal without requiring private land.

3.5 Include in consultation an amended plan showing the short length of path to which the policy applies and delete the last sentence of 4.44 and substitute:

That part of the footway shown on the plan is very narrow and a wider path is proposed. Such widening could be achieved either by a small realignment of the carriageway or by using a thin sliver of private land alongside the path. The opportunity for the latter should be explored if there are any proposals for changes to the boundary of the adjoining boatyard or redevelopment of that part of the site.

Milford on Sea

MOS1

3.6 Taking into account factors such as the impact on the Green Belt and the countryside; accessibility to services and facilities; and highway/parking matters, I am satisfied that the principal elements proposed within MOS1, namely housing and playing fields are justified in this location subject to all the elements proposed in the policy being properly integrated in terms of layout and implemented in a phased manner to achieve a comprehensive and beneficial change in this location.

3.7 As with other policies in the plan where housing and significant additional open space to meet existing needs is proposed within the same allocation, there is a lack of clarity within the policy as submitted as to what is required from a developer of the housing. In terms of the wording of the policy, this is largely clarified by changes proposed by the Council in NFDC39. The Council also suggests revised text to require a comprehensive plan for the whole site and an agreed mechanism for the delivery of the open space. It would be unreasonable to require the developer of 30 or so dwellings to provide the large additional open space solely to meet existing recreational needs.

3.8 I am, however, persuaded that the visual sensitivity of the location requires a comprehensive approach and that the housing should not be built unless there is a mechanism in place to ensure that there are reasonable prospects of all the elements of the allocation being progressed to create an attractive new entrance to the village that functioned well. The most critical link would be to ensure that the houses were not started before there were arrangements for the adjoining land to be made available for public open space, for implementation by others. Because of the importance of these matters, I consider that they should be set out in the policy and I have therefore adapted the Council's intentions in NFDC39. With these provisions, I am satisfied that the policy would be capable of effective implementation. The landowner appears to accept the need for a comprehensive approach in the area and consultation on the suggested changes should reveal if there is any serious impediment to delivery on the basis of these criteria.

3.9 The policy refers to a pick-up and drop-off point for the school, but it is likely that some on-street parking would be lost as a result of the new junction or changes to part of School Lane, which is likely to exacerbate existing problems at these times. Given also the need for some parking for the new playing fields and the need to minimise disruption from such parking for both existing residents and future residents of the new housing, it appears justified to require some on-site parking as a distinct bullet within the policy. I leave it to the Council to judge whether its wishes to retain or delete the separate reference to the pick-up/drop-off point in the forthcoming consultation.

3.10 In the light of the discussion at the hearing, the criteria in the policy relating to landscaping appear unduly specific rather than setting out the principles to be followed. Their expression is also

not in keeping with the necessary comprehensive and integrated approach. I therefore propose an alternative criterion. The policy should be supported by additional policy text which I leave to the Council to draft and to include in the proposed changes. I accept that the proposed affordable housing may well be built in phases. But, given the urgent need for affordable housing and the likely further revision of the development plan prior to 2026, there should be no suggestion that some affordable housing here should be consciously delayed solely to spread it through the plan period. Thus paragraph 4.51 of the plan should be deleted/revised accordingly.

(Council to check that all deletions of existing text are included.)

MOS1: Land north of School Lane

Land north of School Lane is allocated for residential development specifically to provide for local housing needs in accordance with Policies CS12 and CS15(b) of the Core Strategy, and for public open space. 70% of the dwellings provided will be affordable housing. The site will be developed in accordance with the following site-specific criteria:

- provision of a maximum of 30 dwellings *on the southern part of the site (on the land within the defined built-up area)*;
- *on site provision of public open space in accordance with Policy CS7, including the provision of play space for children within the residential development*;
- a minimum of 2 hectares of formal public open space (*playing fields*) in the northern part of the site (east of the Milford Primary School) ~~to include public playing fields, and play space for children within the residential development~~;
- provision of suitable land for a minimum of 5 full size allotment plots within the site;
- provision of vehicular access from Lymington Road at the southern end of the site (diverting School Lane at its western end though the site, with the existing route of School Lane being retained as a pedestrian and cycle route and for access only to existing properties in School Lane and Lymefields);
- provision of off-road cycleway along the site frontage with Lymington Road with links through to public open space provided on the site;
- pedestrian access to the site from Lymington Road and School Lane;
- provision of a safe pick-up and drop-off area for Milford Primary School;
- *provision of car parking sufficient to serve the playing fields and available for dual use with the school*;
- ~~enhancement of landscaping along the Lymington Road and School Lane~~;
- *significant landscaping to integrate the different elements within the site and with adjoining features and to create an appropriate transition from built development across the playing fields to the wider countryside beyond.*
- ~~Provision of a significant landscape buffer (trees and hedgerow), to screen the residential development from views from the open countryside to the east as part of the first phase of development.~~

Planning permission will not be granted for any built development until a comprehensive plan has been prepared showing how all the required elements can be satisfactorily accommodated and integrated within the site and any phasing for the provision of the different elements.

Built development shall not commence until arrangements are in place to ensure that the land for playing fields would be made available for that use in accordance with the planned phasing of the development or other clear timetable

New Milton

NMT1

3.11 I consider that this allocation is sound in principle. As I highlighted at the hearing, a criterion should be added to the policy to indicate that surface water, particularly surface water run-off from the adjoining highway, needs to be addressed in the development of the site. Accordingly, a proposed change is required along the following lines. (This change replaces the Council's suggested change in Ch4.11.). Add as a 5th bullet to NMT1:

Mitigation measures to address surface water flooding, including surface water run-off on to the site from the adjoining highway, without increasing flood risk to adjacent properties.

NMT 4

3.12 I am satisfied that this is a justified location for removal from the Green Belt and for the scale of housing and employment proposed, provided there is no harm to the availability of necessary infrastructure for minerals processing in the area. This is consistent with the aim of the emerging County Minerals and Waste Local Plan. There is not the evidence before me to indicate that the loss of such infrastructure should be set aside to facilitate the development proposed. I will need to review the circumstances when I come to finalise my recommendations, but the consultation on changes should include an additional criterion within NMT4 along the following lines:

Prior to the occupation of any residential development the capacity of the minerals processing infrastructure on or adjoining this site should be relocated or provided elsewhere.

3.13 I am, however, concerned at the deliverability of the proposals in NMT4 and thus their effectiveness. The viability evidence prepared on behalf of the land owners has been seen by the District Valuer and its assumptions and conclusions *appear reasonable* to all the parties to SCG5. On that evidence, the NMT4 proposals are not currently viable and are not viable for at least 6 years, if not longer. Bearing in mind the practical complications of developing this former mineral working there must be uncertainty as to actual costs of development. Higher costs than currently estimated would further delay development.

3.14 There is an urgent need for affordable housing generally. CS12 enables up to around 110 affordable dwellings to be provided at New Milton. Whilst the combination of NMT1 and NMT4 would provide for this total, only the 20 or so dwellings on NMT1 are on a site currently available to proceed, with the bulk of provision being substantially delayed because of the viability issues on NMT4. I recognise that CS12 covers the whole plan period of the Core Strategy to 2026 and that this Local Plan Part 2 is seeking to implement such policies. However, one of the reasons I have accepted the Council's view that this plan need not revisit the issue of overall housing requirement for the district, is that it is seeking to make progress on implementing policies to achieve needed development in advance of the Council's planned review of the strategic framework. This review is scheduled in the Local Development Scheme for submission to the Secretary of State in November 2016 (LDS O54b). In this context, despite the limited scope of this plan it is consistent with one aim of the NPPF namely to increase the delivery of housing in the short term. NMT4 does not help achieve that aim.

3.15 Only a small proportion of what CS12 enables to be provided at New Milton will be achieved in the next 5 years or so. In principle, I accept the Council's position that the figures in CS12 are not requirements that have to be met, but nevertheless this plan must respond positively to the opportunities that CS12 provide and the opportunities that exist in practice. In this regard, current evidence indicates that there are opportunities to provide for affordable housing on other sites around New Milton without breaching any fundamental environmental constraints.

3.16 In the above context, I consider that NMT4 is not effective in relation to the delivery of affordable housing and that alternative or additional sites should be identified which are available to deliver such housing now. Two approaches are possible, which I summarise below, and which I leave to the Council to assess and to put forward its preferred approach for consultation.

Approach A

3.17 If NMT4 is to be retained as a mixed-use allocation removed from the Green Belt then I consider that alternative sites are needed to boost the provision of affordable housing in the short term, but not replace the 90 units on NMT4. Bearing in mind that the CS12 figures are not requirements as such, I consider that available sites for, say, an *additional* 30 or so affordable units would be sufficient to satisfy soundness in relation to delivery (being combined with NMT1 to provide at least 50 units on sites deliverable now). That is not intended to put a cap on such additional provision where a site could logically and acceptably accommodate a greater number.

3.18 I recognise that this approach would increase overall provision within the current plan period above the *up to and around* 110 units in CS12. But I do not regard this figure as a cap. The policy is intended to be interpreted flexibly (ie *around*) and an additional 30 or so units would be proportionately modest; the total provision in Local Plan Part 2 is below the aggregate cap of 810 dwellings specified in CS12; at New Milton there may be some limited provision outside the Green Belt, lessening the reliance on CS10(o). Finally, in relation to the implications for Habitat Regulations

Assessment, NFDC41 (rightly) indicates a fairly comprehensive review of the matter so any implications can be taken into account now. In any case, I am not aware that housing development within settlements is being capped to conform with any assumptions made in the Core Strategy HRA.

3.19 I do not suggest in this scenario that affordable housing provision be reduced in NMT4 as I assume that this would weaken further its viability. In this approach, eventual delivery from NMT4 is still important.

Approach B

3.20 In this approach the Council would look for alternatives to replace the provision currently made in NMT4 for both affordable housing and employment. I consider however that NMT should still be removed from the Green Belt, given its site specific characteristics, to meet longer term needs.

NMT11

3.21 This land is currently designated as a landscape feature under policy DW-E12 of the adopted local plan. At the hearing the Council tabled an amended plan for the open space proposal (NFDC21). The more wooded eastern triangle of the land would no longer be allocated for open space, but remain designated under DW-E12.

3.22 There is a shortage of readily accessible informal open space within this part of New Milton. This site is the only opportunity to provide some additional informal open space within the immediate area. The need to overcome this deficiency is, however, not particularly pressing given the low density of residential development in the area where most dwellings have reasonable gardens and the substantial public open space at the cliff top a little further away. Nevertheless, if a reasonably sized, coherent, accessible area (such as 0.5 ha indicated in the Local Plan) were to be created, such as in the form of a pocket park, it would make a beneficial contribution to overcoming the deficiency.

3.23 The owner of the land that forms the suggested reduced open space allocation seeks a housing development on the site. The reduced site area appears only a little larger than 0.5ha and the location of the access in one corner restricts the ability to allow some development whilst achieving a well designed area of open space. A public sewer requiring a wide easement also runs through the site. At present there appears little prospect of delivering a useful public open space on the site. I would need to consider the need for and deliverability of open space here in the context of any revised proposals for habitat mitigation. I cannot come to a firm conclusion at this stage. I suggest 2 alternatives are included in the consultation:

- the reduction in the size of the allocation as shown in NFDC21 (but shown as a change to the map in the plan) plus any necessary amendment to the text in 4.129 as in Ch 4.10); and, as an alternative:
- the deletion of the allocation (policy NMT11, the plan and 4.129).

NMT12

3.24 This policy proposes allotments in 2 locations. Both are carried forward from the existing local plan. The Council appears to have simply rolled forward these allocations without considering any alternative sites or the deliverability of the allocations, particularly given that they have been allocated for some years.

3.25 I accept that the large waiting list provides sufficient evidence of local need to justify making land use allocations for allotments (NFDC8, Appendix 5). The site allocated in NMT12a adjoins existing allotments and the owner does not oppose the allocation. In the absence of any evidence to the contrary, this site would therefore appear justified and potentially deliverable.

3.26 Allocation NMT12b adjoins Moores Close. The landowner and the company with an option to develop are opposed to the allocation and indicate that, even if no alternative more valuable allocation is forthcoming, the land will not be made available for allotments. Other than being good quality agricultural land there appears no site specific advantages for this site compared with any other land abutting a road on the edge of the settlement. The selection of this site has not been justified and appears not to be deliverable. On the basis of the evidence before me, the site should be deleted

from the plan. If the Council want to put forward a replacement allocation as part of the proposed changes its selection needs to be justified by an appropriate consideration of alternatives and have some prospect of delivery.

3.27 Include in consultation the deletion of NMT12b) and the removal of the accompanying plan (and deletion from the Proposals Map as the existing policy would still be superseded).

4. Ringwood, Fordingbridge, the Avon Valley and Downlands

Bransgore and Sopley SOP1

4.1 The Council and various owners of the SOP1 site have agreed that SOP1 is not needed and that national policy is sufficient to guide any future redevelopment (see NFDC38/SCG6). As the Council is not seeking to justify SOP1 in the plan and bearing in mind concerns I have about its consistency with national policy (reflected, in part, in the questions on my agenda for the planned hearing), soundness requires SOP1 should be withdrawn. This withdrawal and the consequential changes to the text (as in NFDC38) should be included in the consultation. The existing local plan policy still needs to be removed from the Proposals Map as a consequence of the cessation of policy SC1, which should be retained in the list in Appendix 3 of the Plan.

Ringwood

RING3

4.2 Include in consultation the Council's proposed changes to RING3 in NFDC30 tabled at the hearing. These mainly clarify the delivery of the different elements of open space within the allocation.

Fordingbridge

FORD1

4.3 Include in the consultation Council proposed changes in NFDC31 tabled at the hearing which mainly clarify the requirements for the different elements of open space within the allocation.

ASH1

4.4 If the road and footway at the end of Jubilee Crescent were continued into the allocated site at the same width as the existing road, there would be an adverse impact on the privacy and general amenity of the residents of the closest adjoining dwelling. The allocation should make clear that the access needs to be designed to minimise the impact on residential amenity. Include in consultation at the end of 1st bullet of ASH1, the following: *the design of the vehicular and pedestrian access from the end of the Jubilee Crescent into the site should maximise the separation between the carriageway/footway and the closest adjoining dwelling, such as by the creation of a pinch point.*

5. Appendices and Proposals Map

5.1 The Council will need to check carefully that any the consequential changes arising from the above and those already included in NFDC16 are included in the consultation.

Simon Emerson
Inspector
30 April 2013

NEW FOREST DISTRICT COUNCIL – LOCAL PLAN (PART 2) EXAMINATION

Addendum to Inspector's Post Hearing Note 4 – Required changes for further consultation. Policy criteria for NMT2, 3 and 4

After I had completed my Note 4, it was drawn to my attention that I had not commented on the soundness of the detailed criteria for policies NMT3, 4 and 5 which had been an agenda item for the relevant hearing, but had not been discussed on the day. This omission from my note was an error. This note addresses that omission. The representor concerned agreed that the matters could be addressed on the basis of the original representations.

I invite the Council to include the follow changes as part of the consultation on all changes to be undertaken in due course.

NMT2

5th bullet iii - delete: *of 25m width* from the criterion.

Given that outline planning permission has been granted for a scheme with a buffer of 10m and that the Council has suggested a minor change amending the buffer to 20m (Pre-hearing Statement, January 2013) there does not seem to be the justification for the specific width stated which, in any case, seems unnecessarily prescriptive.

NMT4

5th bullet add at end: *(where possible)*

This addition makes the policy more consistent with the approach accepted for the retention of existing landscape features in other policies.

Paragraph 4.110. Delete last sentence. Whilst it is likely that NMT4 will be developed after implementation of NMT2 and 3, I see no planning justification to require this to be the case. The last sentence of 4.110 is not justified. The remainder of the paragraph provides for sufficient coordination between the proposals.

In my Note 4 I requested an additional criterion for this policy be included in the consultation, this remains valid.

Clearly, as set out in Note 4, my concern with NMT4 is timely implementation and changes to the detailed criteria are relevant only if the policy is retained.

No other changes are necessary.

Simon Emerson

3 June 2013.