



# The Planning Inspectorate

## Examination of the New Forest National Park Local Plan

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SO41 9ZG

12 June 2018

Dear Mr Illsley,

### **1. Initial Questions for Examination**

1.1 We have been appointed by the Secretary of State to conduct the Examination of the New Forest National Park Local Plan. We have commenced our preparation and have a number of initial questions which are set out below. The response to these matters will help to inform us how the Examination should proceed and to better focus our Matters, Issues and Questions. As our preparation develops we may have further initial questions of this nature.

### **2. Modifications**

2.1 Can you confirm whether the proposed minor modifications dated May 2018 were subject to public consultation prior to submission? In our view some of the modifications are not genuinely minor as they alter the meaning of the policy. We have listed the modifications we consider are not minor in Appendix 1. Subject to your views on these, could you please prepare a revised schedule which includes only those modifications which are genuinely minor by no later than 25<sup>th</sup> June 2018. This schedule can then be considered as part of the submission plan. The other modifications can be taken into account throughout the examination.

### **3 Habitats Regulations**

- 3.1 You may be aware of a recent judgment–Judgment of the Court (Seventh Chamber) of 12 April 2018 People Over Wind and Peter Sweetman v Coillte Teoranta<sup>1</sup> which ruled that Article 6(3) of the Habitats Directive<sup>2</sup> must be interpreted as meaning mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.
- 3.2 Prior to this judgment, case law in England and Wales had established that avoidance or reduction measures that form part of a proposal could be taken into account when considering whether the plan or project would be likely to have a significant effect on a European site.
- 3.3 Can you confirm the extent to which you consider that the Habitats Regulations Assessment report is legally compliant in light of the judgment, reviewing the screening assessment where necessary.

### **4 Housing**

- 4.1 Has the Authority prepared a Housing Trajectory to illustrate the expected rate of housing delivery over the plan period? Can you please provide a housing trajectory as at 31 March 2018 setting out the anticipated output per annum over the Plan period for each of the allocated sites and each source of supply identified in Policy SP19 of the Plan. Sites with planning permission can be divided into smaller sites and larger sites where appropriate. The output from smaller sites could be grouped together, whilst the output from any larger sites could be shown per annum per site. This information is required as soon as possible in order to inform the examination of the Plan. If you have any queries please raise them through the programme officer.

### **5 Open Space**

- 5.1 What is the evidence base which underpins the open space standards set out in Policy DP10 of the Local Plan? We note that Sport England object to the absence of a Playing Pitch Strategy and/or indoor sports facilities strategy and also the inconsistency of Policy DP10 with national policy. What dialogue has taken place with Sport England during the preparation

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<sup>1</sup> ECLI identifier: ECLI:EU:C:2018:244

<sup>2</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

of the Local Plan? Have there been any further discussions with Sport England since it raised concerns regarding Policy DP10?

## **6 Next steps**

- 6.1 It would be appreciated if you could provide us with a response to the questions by 25<sup>th</sup> June 2018. If more time is required for more involved matters, please let us know and a timetable can be agreed.
- 6.2 We will circulate a Matters, Issues and Questions paper, draft Hearing Programme and Guidance Notes by the end of June. Please note that the Authority will need to give at least 6 weeks' notice before the start of the first hearing.

If you have any questions or queries, please do not hesitate to contact us via the programme officer.

*Kevin Ward*

*Caroline Mulloy*

Inspectors

## **Appendix 1-Modifications**

List of modifications considered not to be minor:

MIN-06

MIN-12

MIN-13

MIN-19

MIN-25

MIN-28

MIN-29

MIN-30

MIN-32

MIN-35

MIN-36

MIN-37

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MIN-42