



# **Independent Examination of the New Forest National Park Local Plan**

## **Inspectors' Matters, Issues and Questions for Examination**

**Kevin Ward BA (Hons) MRTPI**

**Caroline Mulloy BSc (Hons) DipTP MRTPI**

**Inspectors appointed by the Secretary of State**

## Matter 1-Procedural/legal requirements

### ***Issue-Whether the Authority has complied with the relevant procedural and legal requirements.***

#### *Plan preparation*

- 1.1 Has the Plan been prepared in accordance with the Local Development Scheme in terms of its form, scope and timing?
- 1.2 Have requirements been met in terms of the preparation of the Local Plan, notification, consultation and publication and submission of documents?
- 1.3 Has the preparation of the Local Plan complied with the Statement of Community Involvement?

#### *Sustainability Appraisal*

- 1.4 How has the Sustainability Appraisal (SA) informed the preparation of the Local Plan at each stage and how were options considered?
- 1.5 How has the SA been reported?
- 1.6 Has the methodology for the SA been appropriate? What concerns have been raised and what is the Authority's response to these? Have the requirements for Strategic Environmental Assessment been met?

#### *Habitats Regulations Assessment*

- 1.7 How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate?
- 1.8 Was the approach in accordance with recent judgement of the Court of Justice of the European Union (12 April 2018-Case C-323/17) which ruled that it is not appropriate to take account of measures intended to avoid or reduce the harmful effects of a plan or project on a European site at the screening stage as part of the HRA.
- 1.9 What were the relevant designated sites considered?
- 1.10 What potential impacts of the Local Plan were considered? What were the conclusions of the HRA and how has it informed the preparation of the Local Plan?
- 1.11 Have any concerns been raised and if so what is the response?

#### *Other matters*

- 1.12 Has the Authority had regard to the specific matters set out in S19 of the 2004 Act (as amended) and Regulation 10?
- 1.13 Does the Local Plan include policies in relation to the mitigation of and adaptation to climate change? Which?
- 1.14 How have issues of equality been addressed in the Local Plan?

## Matter 2-Duty to Co-operate

### ***Issue-Whether the Authority has complied with the duty to co-operate in the preparation of the Local Plan?***

#### *General*

- 2.1 What strategic, cross-border matters have arisen through the preparation of the Local Plan?

#### *Overall housing provision*

- 2.2 Who has the Authority engaged with in terms of overall housing provision and what form has this taken?
- 2.3 What are the inter-relationships with other Authorities in terms of migration, commuting and housing markets?
- 2.4 How have these been taken into account in preparing the Local Plan and specifically in terms of the Objectively Assessed Need for housing (OAN)?
- 2.5 The New Forest falls within the three Housing Market Areas (HMA) (Southampton, Bournemouth and Salisbury). What is the basis for undertaking an assessment of OAN for the New Forest District and National Park areas, rather than part of the wider HMAs? Is this an appropriate approach?
- 2.6 Has every effort been made to accommodate elsewhere the unmet housing need from the area?
- 2.7 Does the overall provision being planned in the Local Plan have any implications for other Authorities? If so, what are they and how are these being addressed?
- 2.8 What is the position of other Authorities in the other HMAs and elsewhere in terms of the planned level of housing in the National Park?
- 2.9 In overall terms, has the Authority engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan? What has been the outcome of co-operation and how has this addressed the issue of housing provision?

#### *Habitat Protection and Mitigation*

- 2.10 Who has the Authority engaged with in terms of habitat protection and mitigation for the protected habitats of the New Forest?
- 2.11 Which cross-boundary issues have been identified and how have these been addressed?
- 2.12 In overall terms has the Authority engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

#### *Fawley Former Power Station*

- 2.13 What are the particular issues which have required co-operation?
- 2.14 Who has the Authority engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?
- 2.15 In overall terms has the Authority engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

*Other strategic matters*

- 2.16 What are the other strategic matters and particular issues, for example Dibden Bay or other site allocations?
- 2.17 Who has the Authority engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?
- 2.18 In overall terms has the Authority engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

**Matter 3-The Spatial Strategy, strategic policies and development principles**

***Issue-Whether the spatial strategy is justified, effective and consistent with national policy?***

***Relevant Policies: SP1, SP3, SP4, DP2, SP19***

- 3.1 Does the Local Plan adequately reflect the presumption in favour of sustainable development in national policy whilst having regard to the statutory National Park purposes (Policy SP1)?
- 3.2 What is the basis for the overall spatial strategy and the broad distribution of development set out in Policy SP4? What options were considered and why was this chosen? Is it justified?
- 3.3 Are the 'Defined Villages' set out in Policy SP4 appropriately defined, what is the basis for them?
- 3.4 What is the scale of development planned in the Defined Villages?
- 3.5 Is the approach to development outside of the Defined Villages set out in Policy SP4 appropriate and consistent with national policy?
- 3.6 Is the approach to major development set out in Policy SP3 justified, effective and consistent with national policy?
- 3.7 Do the development principles set out in Policy DP2 promote the principles of sustainable development and provide clear, effective and justified guidance for the development and use of land?
- 3.8 Does Policy SP19 provide clear and effective guidance in terms of where new residential development will be permitted within the National Park?

**Matter 4-Objectively Assessed Need and the Housing Requirement**

***Issue: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the overall provision for housing and the housing requirement?***

***Relevant Policies: SP19***

- 4.1 The New Forest falls within the three Housing Market Areas (Southampton, Bournemouth and Salisbury). What is the basis for undertaking an assessment of OAN for the New Forest District and National Park areas, rather than part of the wider HMAs? Is this an appropriate approach?
- 4.2 Was the methodology employed in the Objectively Assessed Need Report 2017 appropriate and does it provide a robust basis for establishing the OAN?
- 4.3 Is it justified in not using the 2014 subnational based population projections? Is the use of 10 year population trend based data justified as an alternative approach?

- 4.4 Are the assumptions regarding migration justified?
- 4.5 Are the assumptions regarding household growth justified?
- 4.6 Is the methodology for calculating OAN for areas within the National Park but outside New Forest District soundly based?
- 4.7 How have economic/jobs growth forecasts and changes to working age population been taken into account?
- 4.8 Is the approach of considering whether the level of housing growth would merely act as a barrier to economic growth in the New Forest justified?
- 4.9 How have market signals been taken into account? What do they show? What is the basis for the 15% uplift?
- 4.10 Given the scale of identified affordable housing need, should the OAN be increased to assist in delivering more? If so to what extent?
- 4.11 Is the OAN for the Study area as a whole justified?
- 4.12 In overall terms, is the OAN of 1260 for the Plan period or 63 dwellings per annum in the National Park (including those parts outside the New Forest District) appropriate and justified? Is there a basis to arrive at an alternative figure and if so what?
- 4.13 Does the Strategic Housing Land Availability Assessment (SHLAA) identify all potential sources of housing land in an attempt to meet identified need?
- 4.14 Has the site selection process for identifying potential housing sites been based on a sound process of sustainability appraisal and the testing of reasonable alternatives? Is the methodology appropriate?
- 4.15 Which factors and constraints have been taken into account? Are the reasons for selecting the preferred sites and rejecting others clear?
- 4.16 Which factors have been taken into account in determining the housing land requirement for the Local Plan? How does it compare with past rates of delivery?
- 4.17 Is the 400m restriction on the allocation of housing in relation to the SPA justified?
- 4.18 Is the Local Plan justified in not meeting the OAN? Which factors have been taken into account in reaching this conclusion?
- 4.19 What are the consequences of not meeting the Objectively Assessed Needs for the area?

#### **Matter 5-Protecting and enhancing the natural environment**

***Issue-Whether the Local Plan is justified, effective and consistent with national policy in relation to the approach towards protecting and enhancing the natural environment?***

**Relevant policies-SP5, SP6, SP7, DP8, SP9, DP10, SP11, DP12, DP13, SP14, SP15**

- 5.1 Taking each individually, are Policies SP5, SP6, SP7, DP8, SP9, DP10, SP11, DP12, DP13, SP14, SP15 justified, effective and consistent with national policy?

- 5.2 Is the approach set out in Policy SP5 regarding the potential effect of development on nature conservation sites of international importance appropriate and justified? Does the policy deal adequately with recreational pressure from additional housing and the need for mitigation? What is the Authority's response to Natural England's concerns?
- 5.3 Is the protection afforded to different levels of designated sites in Policy SP6 commensurate with their status in accordance with national policy? What is the Authority's response to Natural England's concerns?
- 5.4 Does Policy SP7 provide an effective basis for protecting and enhancing landscape character which is consistent with national policy?
- 5.5 Is the approach to Suitable Alternative Natural Greenspace (SANG) set out in Policy SP9 appropriate and justified?
- 5.6 What is the evidence to support the requirement for the Housing Optional Technical Standard for water efficiency?
- 5.7 Is the approach to the protection of open space and the provision of open space in new development set out in Policy DP10 appropriate, justified and consistent with national policy? Are the standards based on a robust assessment of needs?
- 5.8 Is the approach to small scale development on the coast set out in Policy DP13 appropriate and justified? What is the Authority's response to RSPB's concerns?
- 5.9 Do the criteria in Policy SP14 provide clear and effective guidance for the consideration of renewable energy proposals?
- 5.10 What is the approach to wind energy development (Policy SP14) and is it consistent with national policy?

## **Matter 6 Protecting and enhancing the Historic and Built Environment**

***Issue-Whether the Local Plan is justified, effective and consistent with national policy in relation to the approach towards protecting and enhancing the historic and built environment?***

### **Relevant Policies: SP16, SP17, DP18**

- 6.1 Is the approach to the historic and built environment set out at Policy SP16 appropriate, justified and consistent with national policy? Does it provide an effective framework for the consideration of development proposals? What is the Authority's response to Historic England's concerns?
- 6.2 Are Policies SP17 and DP18 justified, effective and consistent with national policy? Do they provide an effective framework for the consideration of development proposals?

## **Matter 7- Housing policies**

***Issue- Whether the Local Plan is justified, effective and consistent with national policy in relation to housing policies?***

**Relevant policies: SP20, SP21, SP29, SP30, DP31, DP32, DP34, DP35, DP36, DP37**

*Specialist housing for Older People (Use Class C2)-Policy SP20*

- 7.1 Is the policy justified, effective and consistent with national policy?
- 7.2 Is the approach of restricting occupancy to local people and their dependents justified?

*The size of new dwellings-Policy SP21*

- 7.3 Is the policy justified, effective and consistent with national policy?
- 7.4 Is the proposal to restrict the size of new dwellings to a maximal total internal habitable floor area of 100 square metres justified and supported by evidence?

*Housing outside of defined villages-Policies SP29, SP30, DP31, DP32, DP35*

- 7.5 Are the policies justified, effective and consistent with national policy in relation to the approach to housing development outside of Defined Villages?

*Residential character and design of housing-Policies DP34, DP36 and DP37*

- 7.6 Are the policies justified, effective and consistent with national policy in relation to the approach to residential character and design?

## **Matter 8 Affordable Housing**

***Issue-Whether the Local Plan is justified, effective and consistent with national policy in relation to the approach towards affordable housing?***

**Relevant policies: SP27 and SP28**

*Methodology and approach*

- 8.1 Is the methodology for calculating affordable housing needs justified?
- 8.2 What are the trends in the delivery of affordable housing and how it has been delivered? How is this likely to change in the future?
- 8.3 What is the evidence in relation to the viability of delivering affordable housing as part of market housing schemes? What does it show?

*Affordable Housing Provision within Defined Villages and on allocated sites-Policy SP27*

- 8.4 Is the target of 50% realistic and justified?
- 8.5 Is the threshold for the number of homes/justified? What evidence is there to support the proposed threshold?
- 8.6 Is the approach to the mix of tenures justified?
- 8.7 Is the policy sufficiently flexible, particularly in terms of the effect on viability and the potential for off-site contributions?
- 8.8 Are the policy requirements justified and is the policy effective and consistent with national policy?

### *Rural Exception Sites-Policy SP28*

- 8.9 Is the policy justified, effective and consistent with national policy in relation to the approach to rural exception sites?
- 8.10 What is the evidence in relation to viability? Would rural exception sites be viable without an element of market housing?

### **Matter 9 Gypsies, Travellers and Travelling Showpeople**

***Issue- Whether the Local Plan is justified, effective and consistent with national policy in relation to the approach towards Gypsies, Travellers and Travelling Showpeople?***

#### **Relevant policy-Policy SP33**

- 9.1 What is the evidence in terms of the need for additional provision? Was the methodology for the assessment appropriate and robust? What does it show?
- 9.2 Will the identified need of one pitch be met through the allocation in Policy SP33? Will the allocation be deliverable?
- 9.3 Do the criteria set out in Policy SP33 provide clear and effective guidance on constraints and suitable mitigation in relation to the Forest View allocation, Landford?
- 9.4 Are the criteria in the second part of the policy justified, effective and consistent with national policy in relation to proposals for any additional sites for gypsies, travellers and travelling showpeople, the need for which may arise in the future?

### **Matter 10-Housing Site Allocations**

***Issue-Whether the proposed site allocations are justified, effective and consistent with national policy?***

***NB. In responding to the questions on site allocations the Authority should identify and address specific key concerns raised in representations e.g. in terms of adverse impacts, delivery etc.***

#### **Relevant policies: SP22, SP23, SP24, SP25 and SP26**

The following questions apply to each of the allocated housing sites:

- Policy SP22-Land at Whartons Lane, Ashurst
- Policy SP23-Land at the former Lyndhurst Park Hotel, Lyndhurst
- Policy SP24-Land south of Church Lane, Sway
- Policy SP25 Land adjacent to the former Fawley Power Station
- Policy SP26-Land at Calshot Village

- 10.1 What is the background to the site allocation? How was it identified and which options were considered?
- 10.2 What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?
- 10.3 How were the site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence having regard to any constraints and the provision of necessary infrastructure?
- 10.4 What are the potential adverse impacts of the allocation and how could these be mitigated?



- 10.5 What are the infrastructure requirements/costs and are there physical or other constraints to development? How would these be addressed?
- 10.6 Are the specific policy requirements justified and consistent with national policy? Do they provide clear and effective guidance on constraints and suitable mitigation?
- 10.7 Is the development proposed viable and deliverable within the plan period?
- 10.8 What is the expected timescale and rate of development and is this realistic?

*Land adjacent to the former Fawley Power Station-Policy SP25*

- 10.9 Does the proposed development meet the major development test for National Parks?
- 10.10 How has the effect on international and national nature conservation designations been taken into account? Does the Policy provide an effective framework to ensure appropriate mitigation? What is the Authority's response to concerns raised by Natural England and RSPB?
- 10.11 Are the proposals to provide at least 30 hectares of Suitable Alternative Natural Greenspace (SANG) realistic, appropriate and consistent with national policy? Where would the SANG be provided?
- 10.12 How has the effect on the Site of Importance for Nature Conservation been taken into account?
- 10.13 How is the site affected by flood risk? How has this been taken into account in allocating the site? How have the sequential and, if necessary, exception tests been applied? What is the Authority's response to the Environment Agency's concerns? How have these been addressed?
- 10.14 Is the requirement for at least 50% of the dwellings to be smaller dwellings (less than 100m<sup>2</sup>) justified?

**Matter 11-Housing Supply and Delivery**

***Issue: Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy?***

**Relevant policy: SP19**

- 11.1 What is the estimated total supply of new housing in the plan period 2016-2036 and how does this compare with the planned level of provision?
- 11.2 What is the estimated total supply in the plan period from:
  - a) Completions since 2016
  - b) Existing planning permissions
  - c) Proposed site allocations
  - d) Windfalls
  - e) Other sources i.e. rural exception sites
- 11.3 What the assumptions about the scale and timing of supply and annual rates of delivery from these various sources? Are these realistic? How do they compare to previous rates?
- 11.4 Is the anticipated supply from rural exception sites realistic and achievable within the plan period?
- 11.5 How has flexibility been provided in terms of the housing land supply? Are

- there other potential sources of supply not specifically identified? Can this be specified?
- 11.6 Has there been persistent under delivery of housing? In terms of a buffer for a five year supply of housing sites, should this be 5% or 20% in relation to para 47 of the NPPF?
- 11.7 How would any shortfall since 2016 be dealt with?
- 11.8 What would the requirement be for a five year supply including a buffer and accommodating any shortfall since 2011?
- 11.9 What is the current position in relation to five year supply?
- 11.10 Would the Local Plan realistically provide for a five year supply on adoption? Will a five year supply be maintained?
- 11.11 In overall terms, would the Local Plan realistically deliver the number of houses required over the plan period?

### **Matter 12-A Sustainable Local Economy**

***Issue: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach to a sustainable local economy?***

**Relevant policies-SP42, SP43, DP44, DP45, SP46, DP47, SP48, DP49, DP50, DP51, DP52, DP53.**

#### *Employment land requirement and provision*

- 12.1 What is the evidence in relation to employment land and employment related development? What does it show?
- 12.2 What approach has been taken to employment land and employment related development? Is this approach justified?
- 12.3 What are the inter-relationships with other Authorities in terms of employment land provision and how have these been taken into account?
- 12.4 What is the situation regarding existing commitments and any identified residual need? What is the past trend in take up rates for employment land?
- 12.5 Is the approach of relying on existing employment sites (SP43); extant planning permissions, small scale employment (windfall) development and re-use of existing buildings/sites in defined villages (SP42), as opposed to allocations, in order to meet the requirement justified and consistent with national policy?
- 12.6 Is the approach set out in Policy SP42 effective, justified and consistent with national policy? Does the Policy provide effective guidance in terms of the provision and location of new business and employment development?

#### *Existing employment sites and buildings (Policies SP43, DP44 and DP45)*

- 12.7 Is the approach set out in Policies SP43, DP44 and DP45 effective, justified and consistent with national policy? Do the criteria provide clear and effective guidance in terms of the retention, development, redevelopment of existing employment sites and extensions to non-residential buildings and uses?

*Sustainable Tourism (SP46 and DP47)*

- 12.8 Do policies SP46 and DP47 provide a justifiable and effective approach for the support of sustainable tourism? Is the approach consistent with national policy?

*Land based economy (Policies SP48, DP49, DP50, DP51, DP52 and DP53)*

- 12.9 Is the approach set out in policies SP48, DP49, DP50, DP51, DP52 and DP53 effective, justified and consistent with national policy?

### **Matter 13-Retail Development**

***Issue- Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the approach to retail development?***

**Relevant policies: DP40, DP41**

- 13.1 Has an assessment of need been undertaken to inform the retail policies?
- 13.2 What are the inter-relationships with other Authorities in terms of shopping patterns and how have these been taken into account?
- 13.3 What is the basis for the local shopping frontages in the defined villages? Are these justified?
- 13.4 Is the approach set out in Policy DP40 effective, justified and consistent with national policy? What is the basis for the thresholds set out in the Policy?
- 13.5 Is the approach set out in Policy DP41 effective, justified and consistent with national policy?

### **Matter 14 Transport and Infrastructure and Community Facilities**

***Issue: Whether the Local Plan is justified, effective and consistent with national policy in relation to the approach to transport and infrastructure?***

**Relevant policies: SP38, SP39, SP54, SP55**

- 14.1 What are the inter-relationships with other Authorities in terms of travel patterns and how have these been taken into account?
- 14.2 Have the overall transport implications of the Local Plan been adequately addressed?
- 14.3 Is the approach set out in Policy SP54 effective, justified and consistent with national policy?
- 14.4 Does Policy SP55 facilitate the use of sustainable modes of transport?
- 14.5 Is the approach set out in Policy SP38 effective, justified and consistent with national policy? What is the evidence for this approach? How has the effect of the policy on viability been considered?
- 14.6 Is the approach set out in Policy SP39 effective, justified and consistent with national policy?