

## **NEW FOREST DISTRICT COUNCIL – LOCAL PLAN (PART 2) & CIL EXAMINATIONS**

### **Post Hearing Note 1 – Progression of the Examinations**

#### **1. Provisional CIL further hearing**

1.1 There are likely to be implications for the CIL Examination arising from the further work I have asked the Council to undertake in relation to habitat mitigation for the Local Plan, such as a revised Infrastructure Delivery Plan (see ID9). I want to be able to take into account the implications of any such matters at any reconvened CIL hearing.

1.2 Accordingly, the provisional further CIL hearing on 27 March will **not** take place. A new date for the further CIL hearing will be fixed in due course. This will be some time away.

#### **2. Completion of present hearings**

2.1 As previously announced, the 2 remaining days of hearings that I had to cancel due to ill health will now take place on 23 and 24 April. The revised programmes for these hearings are on the Examination page of the Council's website. The start time for both of these days has been amended to **9.30** to ensure that all the sessions are completed. Participants for subsequent sessions during each day should anticipate being ready a little earlier than previously indicated.

#### **3. Identification of changes required for soundness**

3.1 Shortly after the hearings on 23 and 24 April I will issue a note summarising those matters on which I consider the plan is unsound and the changes which the Council should, in due course, consult on which may make it sound. These changes will include the changes tabled by the Council before or at the hearings where I am satisfied that they would remedy unsoundness and any other changes which I consider necessary.

3.2 The further work the Council is undertaking on habitat mitigation may well affect some of the allocations relating to public open space or require other changes. Accordingly, where I have soundness concerns in relation to any open space element of the plan I will not be able to confirm the change that is required, only identify the nature of my concerns. It will be for the Council to address any such matters appropriately by proposing changes in the light of the further work it has undertaken. The Council will need to be alert to the potential consequences of any changes arising from the further work for other aspects of the plan or the wording of particular changes already proposed or suggested by me.

#### **4. Progression of the further work on habitat mitigation**

4.1 There are at least 3 stages to this work:

- identification of the further work programme – scope, timescale, intended outputs;
- identification of the specific changes to the submitted plan and/or other actions in response to additional evidence/further work;
- consultation on the proposed changes, to be undertaken with all the other changes identified under 3 above. (Any new evidence/Habitat

Regulation Assessment should be published by the start of this consultation, preferably earlier.)

4.2 It is likely that a further hearing will be required following consultation on the changes/publication of further work in relation to habitat mitigation. This would also be the time for the CIL further hearing.

4.3 As indicated in my note on the matter (ID9), I would encourage the Council to involve at an early stage those parties who may be particularly interested and helpful in any evidence gathering and assessment (eg Natural England, RSPB, Wildlife Trust, National Park Authority) and, equally importantly in terms of deliverability of any mitigation, the landowners/developers of the main allocations in the plan and landowners of any potential additional mitigation land.

4.4 I am willing to provide the Council with a brief view of whether the work programme appears to cover the necessary ground (based on the concerns I have already expressed). In addition, prior to consultation on changes, I am willing to provide a preliminary view as to whether the further work undertaken and the scope of the proposed changes is likely to address the problem. My focus at that stage would be in highlighting any obvious gaps or inconsistencies rather than the details. My views would be subject to the results of the further consultation, but it would give me the opportunity to raise any immediate concerns or uncertainties and enable the Council to address any such matters prior to consultation. Other than on this matter, I would not expect to be involved with the progression of further work/proposed changes between the publication of my note at the end of April and my receipt of the collated further representations following the consultation on changes.

## **5. Draft Schedule of Main Modifications.**

5.1 If I am able to make the plan sound by recommending Main Modifications then my report will be accompanied by a single, comprehensive schedule setting out those Main Modifications in full. That schedule is likely to be a combination of some of the changes previously consulted on by the Council, some of the further changes suggested by the Council before or during the hearings, any additional changes I required following the hearings and the final form of the changes in relation to habitat mitigation. Although such a draft schedule is not required until after the consultation on changes, it is an important (and laborious) piece of work and I wanted to flag the need for it at an early stage.

5.2 The schedule will not include any changes not required to make the plan sound and it will not include any previously suggested changes which have fallen by the wayside. A separate MM should be identified for changes to each policy and separate MMs for any changes to the accompanying text. An MM may be the composite of several changes which emerged at different stages of the Examination. Whilst the final content of such a schedule is for me, it would be very helpful if the Council would prepare a first draft which puts in plan order all the extant substantive changes.

5.3 I suggest a landscape format with columns from left to right as follows: *Main Modification* - MM1, 2 3 etc; *Origin of the change* - the Council's reference number, Ch1.1 etc or other source; *Page/Paragraph* of the Plan; *Description of Proposed Change*. The schedule should not include the columns in the Council's present schedule of changes: *in response to*; *reason*; or *consulted on*. An MM should be introduced for each change to a diagram or other illustrative material and this should refer to a separate Appendix which shows the resulting diagram

to be substituted in the plan. Please provide these as separate documents for ease of use. It may be best to see a draft format of the schedule first.

5.4 The schedule should be accompanied by an updated composite text of the Plan. This should show in one colour the main modifications in the draft MM schedule and in another colour all the additional modifications that the Council propose to make, irrespective of their origin.

## **6. Other Matters**

6.1 As a result of the hearing on RING2 the Council is going to confirm its present or future interpretation of the scope and uses which come within the term *employment* as used in CS17 and RING2. Hopefully this is fairly straightforward. It would be helpful to have this soon and no later than Monday 25 March.

6.2 The Council is also going to reflect on whether its proposed changes to DM5e (iii) (Ch 2.3) actually address the primary reason for this policy. It would be helpful to know as soon (before I complete my note in April) whether the Council wants to propose a different change to this part of DM5.

6.3 The Council is also going to consider whether it should have a policy on the protection of recreational slipways. I leave it for the Council to include such a policy in the proposed changes if they wish to so.

6.4 If the Council intend to suggest any further changes to policies to be discussed at the hearings on 23/24 April (such as in relation to open space as proposed at the hearings on TOT1, FORD1 and RING3) the changes should be made available as soon as possible to all participants for the relevant hearing (and at least 7 days in advance) so as to save time at the event.

**Simon Emerson**  
**Inspector**  
**8 March 2013**