

EXAMINATION OF THE HOCKLEY AREA ACTION PLAN
INSPECTOR'S PRE HEARING MATTERS FOR THE COUNCIL

Following my initial perusal of the hearing statements I have some observations to make in the light of the Council's response to my further questions and comments of 26 June 2013. Finally, I wish to raise the question of how modifications to the Plan should be dealt with. Within each matter and where necessary I have indicated the date by which any material should be submitted.

All of these points are intended to assist me in determining the soundness and legal compliance of the Document in certain respects. Discussion about these and other issues will take place during the hearings themselves starting on **Tuesday 17 September 2013**.

Further comments on Inspector's questions and comments

Using the original numbering:

- 9. c) There may have been some misunderstanding here as this question was originally directed to other housing sites "within and adjoining" the AAP area. This is covered by a proposed minor amendment and I confirm that I do not consider it desirable for the HAAP to be a document that is wholly separate from wider planning strategies.

- 11. a) However the percentages are calculated it is difficult to see how the amount of retail frontage will be increased from its current level without specific measures to achieve this. A new food retailer would increase the retail presence but would not necessarily increase "frontage" and would be outside the secondary area. Furthermore, any proposal for a non-retail use would be likely to be contrary to criterion a. of Policy 7.

- 11. b) The Council indicates a willingness to remove the word "appropriate" and in my view it should.

- 11. e) By amending criterion c. to refer to developments that did not comply with criteria a. or b. but which made a positive contribution and attracted people into the centre the Council's expressed objectives would be more fully reflected. If the Council has concerns about character and amenity of potential town centre uses then this could be addressed by a further criterion.

Modifications

At my request the Council has produced and maintained a list of minor amendments to the Document. At this juncture it may be valuable to set out my understanding of how changes to it should be progressed.

In adopting the Document section 23 of the Planning and Compulsory Purchase Act 2004 provides that a local planning authority may adopt a local development document with both "main modifications" and "additional modifications". The latter are defined, in short terms, as modifications that do not materially affect its policies. Main modifications are defined as those stemming from section 20(7C) which are required to satisfy legal or procedural requirements or to make the Plan sound.

Having reviewed the amendments put forward to date my view is that some of them fall into the category of main modifications. I include within this the changes made to the Figure 13 and any alterations to the wording of the policies themselves. Furthermore, although I have not undertaken a detailed analysis, some of the amendments to the supporting text such as that relating to the definition of clusters in relation to Policy 7 go beyond what can reasonably be termed additional modifications.

I am raising this now so that the Council can consider its position and it may also wish to prepare by **Friday 13 September** a schedule of both main and additional modifications that can be reviewed during the hearings. Furthermore, I can only recommend main modifications under section 20 (7C) if asked to do so by the local planning authority. Main modifications proposed would need to be the subject of a further 6 week period of publicity before my final report and recommendation.

David Smith

INSPECTOR

27 August 2013