



Proposals for land adjacent to Fawley Power Station National Parks Major Development Test – Background Paper (May 2018)

1. National Planning Policy and Guidance – Background

- 1.1 Since 1949 national planning policy has included coverage of major development affecting National Parks. Originally known as the ‘Silkin Test’, the precise wording of the major development test has been amended over time and the current wording is set out in paragraph 116 of the National Planning Policy Framework (2012). This paragraph of the NPPF states:

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

- 1.2 The major development test is also referred to within the Government’s online National Planning Practice Guidance resource (NPPG) which states:

Planning permission should be refused for major development in a National Park, the Broads or an AONB except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.

- 1.3 The proposed revisions to the NPPF (March 2018) retain largely unaltered the wording currently contained within paragraph 116. The new policy wording is contained within paragraph 170 of the draft Framework.

- 1.4 The *English National Parks & the Broads: UK Government Vision & Circular* (2010) provides updated policy guidance on the English National Parks and the Broads. The Circular is cross-referenced within both the current NPPF (2012) and the draft revised NPPF (March 2018), as well as the Government National Planning Practice Guidance (NPPG) resource. The Circular is relevant to those

bodies with appropriate statutory functions and all those who have a key role in contributing to the success of the National Parks. The Circular also refers to the major development test, stating at paragraph 31:

Major development in or adjacent to the boundary of a Park can have a significant impact on the qualities for which they were designated. Government planning policy towards the Parks is that major development should not take place within a Park except in exceptional circumstances...Applications for all major developments should be subject to the most rigorous examination and proposals should be demonstrated to be in the public interest before being allowed to proceed...The Government expects all public authorities with responsibility for the regulation of development in the Parks to apply the test rigorously, liaising together to ensure that it is well understood by developers.

- 1.5 As set out above in the NPPG extract, whether a proposed development in a National Park should be treated as a major development – to which the tests in paragraph 116 of the Framework apply – is a matter for the planning judgement of the relevant decision taker. This judgement will need to take into account whether the development has the potential to have a serious adverse impact on the natural beauty and recreational opportunities provided by a National Park by reason of its scale, character or nature. It is important to note that neither national significance nor absolute scale are mentioned in the current major development tests. Set out below is the National Park Authority’s assessment of proposals for the Fawley site against paragraph 116 of the NPPF.

2. Applying the Major Development Tests to the Fawley site

(i) The Exceptional Circumstances

- 2.1 The former Fawley Power Station is considered to be a unique site. Although within New Forest District Council’s administrative boundaries, it is entirely surrounded on all sides by the New Forest National Park. There are no other comparable industrial complexes elsewhere in the National Park that are of the scale and magnitude of Fawley Power Station.
- 2.2 The current Power Station buildings have a significant landscape impact across wide parts of the south and east of the National Park, with the chimney (198 metres high) and main power station structure (400 metres long and 60 metres high) visible from viewpoints both within the National Park and well beyond.
- 2.3 The former Power Station site represents a 49 hectare brownfield site and benefits from existing infrastructure including the dock, electricity sub-station and sewage treatment works. The redevelopment of the site would provide the opportunity to replace the large-scale industrial structures with a more appropriate built form for a National Park. This would reduce the current adverse impact of the current buildings on the surrounding National Park landscape.
- 2.4 As well as the site’s unique setting, there are also exceptionally high costs associated with redeveloping the former power station site. These include the demolition of the existing large-scale industrial buildings; the costs of dealing with decontamination of the site; and raising the land for flood risk purposes.

(ii) *The public interest*

- 2.5 Paragraph 116 of the NPPF requires consideration to be given to the public interest in assessing proposals for major development in National Parks. The redevelopment of the site would remove the large-scale industrial former Power Station buildings and replace them with a built development of a more appropriate scale for a site on the boundary of a National Park. This would reduce the landscape and visual impacts of the existing Power Station structures which would enhance the surrounding National Park landscape. It would also benefit the public's enjoyment of the National Park which is in the long term national public interest.
- 2.6 The *New Forest National Park Landscape Character Assessment (2015)* states that, "...characteristic long views are disrupted in the east by the dominance of the chimney at Fawley Power Station...the close proximity of industry, such as Fawley Power Station, detracts from the otherwise peaceful and tranquil feel of the landscape." (page 70).
- 2.7 The *New Forest National Park Tranquil Area Mapping Report (2015)* records the industrial areas around the former Fawley Power Station as being one of the most highly disturbed areas in the National Park and one that, "...remains a visual disturbance to the landscape". (page 34).
- 2.8 The redevelopment of the site provides the opportunity to enhance the landscape of the National Park, in accordance with the first statutory Park purpose. This, allied to the improvements that could be delivered to people's enjoyment of this part of the New Forest (the second Park purpose) is considered to be in the public interest. On completion, the justification for excluding the site from the boundary of the National Park could be re-visited.

(iii) *The need for the development*

- 2.9 The site has the potential to make a major contribution towards meeting identified housing needs in both the National Park and New Forest District. National planning policy – elaborated on in the *National Parks Circular (2010)* – is clear that the focus for development within National Parks should be on meeting local housing needs, rather than catering for external demands. The site has the potential to make a significant contribution towards meeting local housing needs identified within the District and National Park.
- 2.10 The best available information indicates that the combined New Forest area (District and National Park) has an identified housing need of circa 11,500 additional dwellings over the plan-period to 2036. The former Power Station site has the potential to meet over 10% of this identified need.
- 2.11 The site also has a number of locational advantages that provide the opportunity to address economic needs. These are assessed in more detail below. The location of the Power Station site and its dock provide an opportunity to meet the needs identified in the Solent for the marine industry sector.

2.12 Viability work jointly commissioned by the National Park Authority and New Forest District Council (Nationwide CIL, 2017) concluded that the significant public benefits that could be delivered through the redevelopment of the brownfield former Fawley Power Station site require the development of some adjacent land within the National Park.

(iv) The impact of permitting it, or refusing it, on the local economy

2.13 The redevelopment of the site provides the opportunity to deliver a mixed use community, with new jobs created to replace the jobs lost following the closure of the Power Station. The site has the potential to create circa 2,000 jobs across a range of sectors, including the marine sector given the site's location on Southampton Water. This is in line with the priorities identified by the Solent LEP and would benefit the wider regional economy as well as the local Waterside and New Forest area. This would benefit the local economy of the National Park, in accordance with the Authority's socio-economic duty.

2.14 The impact of refusing the wider redevelopment plans for the site is that the site would most likely be used for a series of short term uses, which would provide relatively little contribution to the local economy. This could include open storage uses, such as the temporary uses currently being accommodated. The economic benefits to the local area of these uses would be minimal.

(v) The costs of, and scope for, developing elsewhere outside the Park

2.15 Parts of the site are located within the Health & Safety Executive's (HSE's) exclusion zones. Consequently, the extent of development at the north of the site is restricted and it is also necessary for the school to be located outside the HSE exclusion zones (i.e. within the National Park). The northern part of the site is also constrained by the existing National Grid Substation and the pylons that cross the site. There are no short to medium term plans to relocate or downsize the sub-station.

2.16 A number of alternative development scenarios have been tested from a viability perspective by independent consultants. The viability report (Nationwide CIL, 2017) assessed the feasibility of development on only the brownfield part of the site (outside the National Park), as well as a range of other options. The key conclusions of the viability work were that:

- Land was required within the National Park to support a viable, comprehensive redevelopment of the site.
- To provide a viable development that was restricted to only the brownfield element of the site (i.e. the area outside the National Park), a much higher density development would be required. This would have a greater impact on the National Park in terms of landscape impacts and recreational pressure, as well as increased pressure on the local highways network.

(vi) The extent to which any detrimental effects can be moderated

2.17 The landownership in the area surrounding the Fawley Power Station site provides the opportunity for significant landscape, biodiversity, habitat and

access improvements to moderate the impacts of development. The restoration of the adjacent existing mineral working site at Badminton Farm in the National Park can provide robust new greenspace areas to reduce pressures on the protected habitats of the New Forest and the Solent & Southampton Water.

- 2.18 The remaining areas of SINC habitat could deliver habitat enhancement through the creation of a saline lagoon. There is also an extensive rights of way network in the area that the development could link into. A development of the scale proposed (circa 1,500 dwellings) would typically require around 37 hectares of Suitable Alternative Natural Greenspace provision. The emerging plans for the comprehensive redevelopment of the site propose provision well above this level to moderate impacts on the nationally protected New Forest landscape and to deliver clear net positive public benefits in relation to the environment and public access.

3. Conclusions

- 3.1 Although the current brownfield site of the former Fawley Power Station is located outside the National Park, the site is surrounded on all sides by the Park. Any redevelopment proposals for the site would therefore need to take account of potential impacts on nationally designated landscape of the National Park.
- 3.2 As outlined in the preceding sections, national planning policy (paragraph 116, NPPF, 2012) sets out the tests for major development within National Parks. The National Park Authority has considered the emerging proposals for the Fawley Power Station site against these tests and concluded:
- There are considered to be exceptional circumstances relating to the Fawley Power Station site, which is unique in both its location in relation to the immediately surrounding National Park and the scale of its existing impact.
 - The removal of the existing Power Station buildings and their replacement with a more appropriate form of development (built to an exceptionally high standard) would reduce the visual impacts of the site. It is in the public interest to remove the harmful landscape impact of the existing structures, which dominate this part of the Park.
 - There is an identified need for the development. The redevelopment of the site would make a major contribution towards meeting identified local housing needs arising in the national Park and New Forest District.
 - The proposals would provide a major boost to the local and sub-regional economy, with projections indicating circa 2,000 jobs would be created in a range of sectors, including marine industry. The redevelopment of the site would also deliver transport improvements and new services for local people into an area of the National Park that currently has pockets of deprivation. This will significantly improve the sustainability of the local communities in the south east of the National Park.
 - The scope for developing on land outside the National Park is limited. Viability work assessed the scope for limiting development to the brownfield part of the site outside the National Park. This viability modelling concluded

that limited development within the Park is necessary to ensure the delivery of a comprehensive scheme. Development is also constrained by the HSE zones linked to Fawley Refinery and the existing National Grid building.

- The landownership in the area provides the opportunity to moderate the impacts of development on the landscape, biodiversity and habitats of this part of the New Forest through the provision of mitigation measures over and above the usual requirements.

3.3 On this basis, the New Forest National Park Authority has concluded that the proposals for the redevelopment of the former Fawley Power Station site, including a small area of adjoining land within the National Park, can be justified when considered against the NPPF major development test. The Authority's Submission draft Local Plan (January 2018) is clear that the site must deliver a comprehensive redevelopment and that housing on land within the National Park will not be supported in isolation.