

NFNPA 536/17

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 14 DECEMBER 2017

SUBMISSION DRAFT NEW FOREST NATIONAL PARK LOCAL PLAN 2016 - 2036

Report by: David Illsley, Policy Manager

1. Introduction

- 1.1 Members will recall considering a report at the October 2017 Authority meeting which summarised the position reached in the review of the local planning policies for the National Park and established the timetable for the remaining stages in the review (NFNPA 534/17). This report now seeks formal member endorsement of the proposed Submission draft New Forest National Park Local Plan 2016 – 2036 for the purposes of a final six week period of consultation to commence in January 2018; and then submission to the Secretary of State for independent examination in Spring 2018.
- 1.2 This report highlights the main policy approaches in the Submission draft Local Plan, which have been informed by the representations received on the draft Local Plan in 2016 and the completion of a number of evidence base studies. The Submission draft Local Plan also has regard to the changes in national planning policy announced this year.

2. The role of the Local Plan

- 2.1 The Government's *National Parks Vision and Circular* (2010) recognises the importance of the planning system in the delivery of the two National Park purposes. For this reason the Environment Act 1995 makes national park authorities legally the sole planning authorities for their areas, covering the development management, planning enforcement, minerals & waste planning and planning policy functions.
- 2.2 National planning policy continues to place Local Plans at the heart of the planning system. The role of the Local Plan is to set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design. In the context of planning within a National Park, the Local Plan plays an important role in delivering the two statutory National Park purposes and related socio-economic duty.
- 2.3 The National Planning Practice Guidance (NPPG) resource encourages the production of a single local plan for an area. The Authority has chosen to follow this advice and therefore the revised Local Plan will, once adopted, replace in full the existing Core Strategy (adopted in December 2010). Through the self-assessment of compatibility between the Core Strategy and the National Planning Policy Framework (NPPF, 2012) it has been concluded that many of the adopted planning policies remain fit for purpose. However, in line with national policy it is also important that the Authority has an up to date development plan in place to guide development management decisions.

3. Summary of the consultation process to date

3.1 The review of the local planning policies for the National Park commenced in Summer 2015 and has involved a number of stages, culminating in the preparation of the proposed Submission draft Local Plan in 2017 (Annex 1). These stages have included:

- *Consultation on the main issues to be addressed in the Local Plan review, June 2015*
The Authority published an initial scoping paper on the review of the Local Plan. This represented Regulation 18 in the Government's regulations and marked the stage where the Authority: (i) notified relevant bodies that the Local Plan review was underway; and (ii) invited comments on the scope and main issues to be covered. A 'Call for Sites' exercise was also launched at the same time inviting interested parties to submit sites that they would like considered for development as part of the review.
- *Topic-based workshops, Spring 2016*
Following consideration of the responses received during the Regulation 18 consultation, topic-based workshops were held in Spring 2016 to discuss how the issues raised could be addressed through local planning policies. These focused on the historic & built environment; socio-economic issues; neighbouring authorities (under the duty to cooperate); New Forest Estates; and the defined villages.
- *Consultation on the draft Local Plan, October 2016*
In October 2016 the National Park Authority published a detailed, non-statutory draft Local Plan for an 8-week public consultation. The aim was to enable people to comment on the draft Plan and the emerging proposals to inform the preparation of the Submission draft Local Plan in 2017. In total responses were received from 384 individuals and organisations and a summary of the comments received has been available on the Authority's website since February 2017.
- *Consultation on potential alternative housing sites, June 2017*
Following updated advice from Natural England in Spring 2017 relating to the potential impacts of development on the protected habitats of the New Forest (which essentially ruled out a number of potential housing sites), the Authority held a further six-week public consultation on potential alternative sites in Summer 2017. During this period, representations were received from 57 individuals and organisations and the responses received helped to inform the Submission draft Local Plan.

3.2 Regular updates on the review of the Local Plan have also been given to Authority members throughout 2017; to town & parish councils in the National Park through the Parish Quadrant meetings; and to the New Forest Consultative Panel meetings.

4. Submission draft Local Plan 2016 – 2036: Overview of main policy approaches

4.1 This section summarises the main Local Plan policy approaches, as well as highlighting where changes have been made to the Plan in light of representations received in 2016 and the completion of a number of evidence base studies. Members have also contributed to the preparation of the Local Plan through the workshops held during 2017.

Strategic Policies (Chapter 4)

4.2 The Submission draft Local Plan includes a number of strategic policies, setting out the planning policy approach to the delivery of sustainable development in the National Park

and how proposals for major development will be assessed. National policy sets out a clear approach to major development in National Parks (currently set out in paragraph 116 of the NPPF) and the Submission draft Local Plan sets out what this means in the New Forest National Park context. Policy SP1 on sustainable development has been amended from the earlier draft to further support the use of sustainable building techniques and local materials in new development.

Conserving and enhancing the natural environment (Chapter 5)

- 4.3 This chapter includes a number of key policies aimed at conserving the landscape and habitats of the National Park. The policy approaches have been informed by the Habitats Regulations Assessment (HRA) of the Local Plan to ensure development in the New Forest does not impact on the integrity of the protected habitats that make up well over half of the National Park's land area. Policy SP5 outlines the protection afforded to internationally designated habitats in the New Forest and will be supported by updated habitat mitigation packages prepared for the New Forest and Solent internationally designated sites. The increased level of financial contributions required for habitat mitigation measures has been factored into the Local Plan viability work.
- 4.4 Policy SP7 (Landscape Character) is a new policy which reflects the level of protection afforded by the planning system to the landscape of the New Forest National Park. The policy also provides a link to the updated New Forest National Park Landscape Character Assessment, thereby contributing to the delivery of the first statutory Park purpose.
- 4.5 Policy SP14 (Renewable Energy) and its supporting text have been amended to provide further policy coverage of the type of renewable energy development that is appropriate within the nationally protected landscape of the New Forest.

Conserving and enhancing the historic and built environment (Chapter 6)

- 4.6 This chapter of the Local Plan provides greater detail on the conservation and enhancement of the New Forest's rich historic and built heritage when compared to the adopted Core Strategy (2010). In line with feedback from Historic England, the chapter outlines the Authority's positive strategy to conserving the built environment of the National Park, which alongside our local planning policies includes support for Village Design Statements, the annual building design awards, and the work of the Building Design and Conservation team with local communities and specialist training courses.
- 4.7 In accordance with the guidance in the NPPF, Policy SP16 (The Historic and Built Environment) now includes more detail on the issues to be considered when assessing proposals that will affect designated and non-designated heritage assets.

Vibrant communities (Chapter 7)

- 4.8 This chapter sets out the proposed planning policy approach to new housing provision within the National Park, including the delivery of affordable housing for local people. The policies have been informed by a number of recently-completed evidence base studies, including the Whole-Plan Viability Assessment (Three Dragons, 2017) and the updated assessment of housing needs (Justin Gardner Consulting, 2017).
- 4.9 The most up to date information on housing needs indicates the need for 63 dwellings per annum in the National Park. This represents a higher level of housing need than that

planned for in the adopted Core Strategy (2010); and also the current level of dwelling completions (which are monitored annually). It is therefore clear that housing allocations must be considered for the first time since the National Park was designated in 2005. However, even with site allocations and a windfall allowance (see paragraphs 7.39 – 7.42 of the Local Plan) the full objectively assessed housing need in the National Park will not be met. Given the shortfall in provision, the Authority continues to liaise with neighbouring authorities in Hampshire, Dorset and Wiltshire to explore whether this unmet need (circa 23 dwellings per annum) can be met in surrounding areas.

4.10 Following Natural England's updated advice of Spring 2017 (see paragraph 3.1 of this report), the scope for new housing allocations to meet local needs within the New Forest is restricted. Consequently a limited number of housing site allocations are proposed and the aim of these sites is to deliver a significant proportion of affordable housing for local people. None of the greenfield sites now proposed for housing development in the Local Plan lie within 400 metres of the New Forest Special Protection Area.

4.11 The Submission draft Local Plan seeks to maximise the delivery of affordable housing for local people within the framework established by national planning policy and the *National Parks Vision and Circular* (2010). This will be achieved through a small number of land allocations where on-site affordable housing will be provided for local people; a limit on the size of net new dwellings to ensure that new development is targeted towards the identified local need for smaller dwellings; and Policy SP30 which enables the provision of small-scale Estate worker housing as part of comprehensive whole-Estate Plans.

4.12 The strategic approach to affordable housing (Policies SP27 and SP28) has been informed by the Whole-Plan Viability Assessment, which indicates that in most cases a policy target of 50% affordable housing on sites of 3-dwellings or more is viable. The viability assessment also factored in the restrictions on the size of new dwellings (Policy SP21) and the scale of financial contributions required for habitat mitigation measures. Policy SP27 proposes a lower site-size threshold for the delivery of affordable housing than that established in the national policy. This reflects circumstances within the National Park (including the finite land supply and high housing need) and is enabled by the Court of Appeal decision in the Reading and West Berkshire case¹ which stated,

"...although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy...if in future any Local Planning Authority (LPA) submits for examination local plan policies with thresholds below those in the national policy, the Inspector will consider whether the LPA's evidence base and local circumstances justify the LPA's proposed thresholds. If he concludes that they do and the local plan policy is adopted, then more weight will be given to it than to the new national policy in subsequent decisions on planning applications."

4.13 The redevelopment of the former Fawley Power Station site has been the focus on a great deal of work and liaison with our neighbouring planning authority New Forest District Council over the last 18 months. The Authority's position has always been that for major development in the National Park to be supported the exceptional tests set out in

¹ Neutral Citation Number: [2016] EWCA Civ 44, Case No: C1/2015/2559: *Secretary of State for Communities & Local Government vs West Berkshire District Council and Reading Borough Council*, May 2016

paragraph 116 of the NPPF² must be met. To inform the consideration of the emerging proposals for the site, the Authority and New Forest District Council jointly commissioned a site-specific viability assessment to test various development scenarios. Paragraphs 7.32 and 7.33 of the Local Plan summarise the assessment of how the proposals for the former Power Station site relate to the NPPF's tests. Policy SP25 conditionally supports development of land within the National Park as part of the comprehensive regeneration of the Power Station site. The Local Plan is clear that development in the National Park alone cannot be justified and the Authority's support is predicated on clear public benefits being demonstrated in relation to the design of the scheme; the landscape and setting of the surrounding National Park; public access improvements; the provision of suitable greenspace for recreation; and habitat enhancements to ensure net gains in biodiversity.

A sustainable local economy (Chapter 8)

- 4.14 The existing local planning policies for the National Park have supported the delivery of a steady supply for new employment floorspace per annum and the New Forest National Park has consistently had a very low level of unemployment (no higher than 1.5% over the last decade, well below the regional and national figures).
- 4.15 Against this background, Chapter 8 of the Submission draft Local Plan supports the retention of existing employment sites; small-scale employment development within the defined villages; and the re-use and extension of existing building through a number of planning policies. The updated policies also encourage the redevelopment of redundant brownfield employment sites for employment use by supporting a broader range of business uses than the prior use.
- 4.16 The Local Plan also provides the policy framework for planning decisions linked to other plans and projects in the New Forest. Policy SP46 (Sustainable Tourism Development) for example, supports opportunities to relieve visitor pressures where this would assist the conservation or enhancement of designated nature conservation sites. This provides the policy framework for the implementation of future plans and strategies, such as the Recreation Management Strategy update.

Traffic and transport (Chapter 9)

- 4.17 Chapter 9 on traffic and transport has been updated to include reflect the aim of achieving traffic management and road design solutions that reflect their rural context and have a character-led approach. This section of the Local Plan also includes reference to the England Coast Path which will be implemented under the provisions of the Marine & Coastal Access Act.
- 4.18 In response to concerns raised regarding the impact of parking associated with new development on the character of the National Park (including parking pressures on protected verges), the Local Plan includes parking standards in Annex 2.

² Paragraph 116 of the NPPF confirms that major development will only be supported in National Parks in exceptional circumstances following consideration of the need for the development (including economic impacts); the scope for developing outside the National Park; and the extent to which impacts can be moderated.

5. Evidence base studies, appraisals and assessments

- 5.1 The NPPG confirms that Local Plans should be based on a proportionate evidence base, stating that, “...*the evidence should be focused tightly on supporting and justifying the particular policies in the Local Plan.*” The Submission draft Local Plan is supported by a range of evidence base studies to justify the proposed planning approach, including:
- The New Forest Strategic Flood Risk Assessment (JBA Consulting, 2017)
 - Whole-Plan Economic Viability Assessment (Three Dragons, 2017)
 - Habitats Regulations Assessment (Land Use Consultants, 2017)
 - Sustainability Appraisal / Strategic Environmental Assessment (in house, 2017)
 - Updated assessment of housing need (Justin Gardner Consulting, 2017)
 - The Hampshire Gypsy & Traveller Accommodation Assessment (ORS, 2017)
 - Business Needs & Commercial Property Market Assessment (Chilmark Consulting, 2017)
- 5.2 The National Park Authority has worked closely with neighbouring authorities in the production of the Submission draft Local Plan. This has included the joint commissioning of evidence base studies with New Forest District Council on matters such as flood risk, commercial property needs and housing needs; as well as working with other planning authorities in the wider area on the assessment of gypsy and traveller needs and the co-ordinated approach to habitat mitigation along the Solent coastline.
- 5.3 As highlighted in Report 534/17, following the High Court decision in the Lewes District Council and South Downs National Park Authority case³, further work has been commissioned to assess the potential impacts of planned development on air quality in the New Forest. This work focuses on the in-combination impacts as it is not the limited scale of development proposed within the National Park that triggers this assessment, but the scale of development proposed around the National Park and crossing through it that is the issue. Should this final assessment highlight any significant issues, an update will be brought to the next full Authority meeting as per recommendation (c) of this report.

6. Next Steps

- 6.1 In accordance with the timetable set out in the Authority’s updated Local Development Scheme (October 2017), the Submission draft Local Plan will be published for a final six week period of public consultation in January 2018. Everyone who has engaged in the Plan-making process to date will be notified of the start of this consultation, alongside statutory consultees, and representations will be invited on the soundness⁴ of the Submission draft Local Plan. The consultation will be undertaken in line with the commitments set out in the adopted Statement of Community Involvement (2013).
- 6.2 Alongside the Submission draft Local Plan, the full range of evidence base studies, topic papers, appraisals and assessments will also be made publicly available. This will include a ‘Consultation Statement’ setting out in more detail how the consultation undertaken since 2015 has informed the content of the Submission draft Local Plan; a ‘Duty to Cooperate Statement’ summarising the liaison that has taken place with neighbouring authorities on cross-boundary planning matters; and the Authority’s own ‘Self-

³ High Court decision in the *Wealden DC vs Secretary of State for Communities & Local Government, Lewes DC and the South Downs NPA*, March 2017: EWHC 351 case number CO/3942/2016

⁴ Paragraph 182 of the NPPF sets out the ‘tests of soundness’ which focus on: (i) whether the Plan has been positively prepared; (ii) is it justified when considered against reasonable alternatives; (iii) is it effective, deliverable and the result of effective joint working; and (iv) is it consistent with national planning policy.

Assessment of Soundness' assessing how the Submission draft Local Plan meets the requirements of the NPPF and tests of soundness.

- 6.3 It is important to emphasise that the Authority will be publishing what it considers to be a 'sound' Local Plan. Therefore representations received during the consultation on the Submission draft Local Plan will be considered, but the scope for making further changes to the Local Plan after the Regulation 19 stage is limited. This is reflected in recommendations (b) and (c) of this report which confirm that should any major changes be required to the Local Plan then that would trigger the need for further consideration at a full Authority meeting and a further period of public consultation.
- 6.4 The Local Development Scheme targets the submission of the Local Plan document, the evidence base studies and assessments, and the representations received to the Secretary of State for independent examination in April 2018. The examination starts as soon as the Local Plan is submitted and the hearing sessions would be expected to take place in Summer 2018. The Authority would expect to receive the final Inspector's Report in late 2018 and the proposed adoption of the Local Plan 2016 – 2036 would be presented to a full National Park Authority meeting.

RECOMMENDATIONS

Members:

- a) **Approve the Submission draft Local Plan (Annex 1) for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), subject to any minor changes that are deemed necessary prior to the start of the consultation being agreed by the Executive Director (Strategy & Planning) and the Chair of the Authority; and**
- b) **Delegate authority to the Executive Director (Strategy & Planning) in consultation with the Chair of the Authority to make any minor changes arising from the consultation and submit the Local Plan to the Secretary of State under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) for independent examination; and**
- c) **Note that if major changes are required to the Submission draft Local Plan (Annex 1) that a further public consultation and decision by the Authority will be required.**

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Papers:

NFNPA 536/17
Annex 1 – Proposed Submission draft New Forest National Park Local Plan 2016 – 2036

Background to the Local Plan review can be found in report 534/17 which was considered at the October 2017 National Park Authority meeting

Equality Impact Assessment:

The Submission draft Local Plan 2016 - 2036 will be accompanied by an Equalities Impact Assessment when it is published for a six week public consultation