

# ANNEX 2 Strategic policy framework and requirements

## Introduction

The New Forest National Park was designated in March 2005 – the first full National Park to be designated in England for nearly fifty years and the first in the South East. The New Forest joins the other twelve National Parks in Britain (and the Norfolk and Suffolk Broads), with designation reflecting the highest level of protection from development. The New Forest National Park operates within a detailed national and regional policy framework.

## The Environment Act, 1995

Section 61 of the Environment Act sets out the statutory purposes of all of the National Parks of England and Wales:

- **to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and**
- **to promote opportunities for the understanding and enjoyment of the special qualities [of the Parks] by the public.**

Section 62(1) of the Act states that in pursuing the two National Park purposes, the National Park Authority “...shall seek to foster the economic and social well-being of local communities within the National Park, but without incurring significant expenditure.”

Section 62(2) states that “ if it appears that there is a conflict between those purposes, [any relevant authority] shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage”..

These twin purposes and the duty are central to the work of the New Forest National Park Authority. The Environment Act 1995 also clarifies that the delivery of the National Park purposes is not the sole responsibility of the National Park Authority, and that relevant authorities (including public bodies and statutory undertakers) must have regard to the purposes. This is commonly known as the Section 62 duty (after the section in the Environment Act), which states that in exercising or performing any functions that may affect land in a National Park,

“...any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.”

The Guidance to the New Forest National Park Authority from the Secretary of State (March 2005)

expects the Authority to be active in raising awareness of this statutory duty among relevant authorities whose work may impact on National Park purposes.

Section 66(1) of the Environment Act 1995 sets out the requirement for National Park Authority to prepare and publish a National Park Management Plan, which formulates its policy for the management of the National Park, within three years after its operational date. Section 66(4) confirms that the National Park Authority should review its Management Plan within five years of its operational date.

## **New Forest Acts**

The Verderers have statutory duties and powers under the New Forest Acts for the protection and administration of the rights of common and of the health of commoning animals within the Perambulation of the New Forest. These duties are administered by the Court of the Verderers, which was reconstituted under the New Forest Act of 1877. Under Section 18 of the New Forest Act 1949 and Section 1 of the New Forest Act 1970, the agreement of the Verderers is needed before any recreational or tourist development can take place on commonable Crown land. Guidance to the New Forest National Park Authority from the Secretary of State (March 2005) confirms that the Authority should develop close working relationships with the Verderers of the New Forest and the Forestry Commission

## **Planning Policy Statement 7: Sustainable Development in Rural Areas**

Paragraph 21 states that National Parks have been confirmed by Government, "...as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty and the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas." The conservation and wildlife and the cultural heritage is also an important consideration and they are included within the statutory National Park purposes.

Paragraph 22 states that, "Major developments should not take place in these designated areas, except in exceptional circumstances." This policy includes major development proposals that raise issues of national significance. Major development proposals should be demonstrated to be in the public interest before being allowed to proceed.

## **National Parks Circular (12/96 - Department of the Environment)**

The Circular explains the provisions made for National Parks in the Environment Act 1995 and is due for re-issue in 2009. It states:

"National Park Authorities will be particularly expected to respond to and seek to conserve the individual character of the area for which they are responsible....[they] are best placed to identify the special qualities of their Parks. These qualities will be determined within the context of each Park's natural beauty wildlife and cultural heritage and the national purpose of Parks to conserve and enhance them. Particular emphasis should be placed on identifying those qualities associated with their wide open spaces, and the wildness and tranquillity which are to be found within them...National Park Authorities should consider

how best to promote the understanding of special qualities of their area by the public.

“National Park Authorities should continue to promote the widest range of opportunities for recreation to reflect the ways the Parks can be enjoyed. But the conservation values which the Parks represent must be fully respected....[and] will need to take into account the Park’s limited environmental capacity... .”In most instances it should be possible to reconcile any conflict which may arise by co-operation between relevant interests and the National Park authorities, and through careful planning and positive management strategies”

## National Park Management Plans – Guidance

Under Section 66(1) of the Environment Act 1995, each National Park Authority is required to prepare and publish a National Park Management Plan for their National Park, setting out policies for managing the National Park and carrying out the Authority functions in relation to the National Park.

Although preparation of the Management Plan is the responsibility of the National Park Authority, its preparation needs actively to engage and gain the support of all key stakeholders who will assist in its delivery. In seeking to deliver the National Park purposes, National Park Authorities are not expected to work alone. Under Section 62(2) of the Environment Act 1995 relevant authorities have a duty to ‘have regard to’ the purposes of National Parks when carrying out their work. This underlines that delivery of the National Park purposes through the National Park Management Plan needs to be undertaken in partnership with others.

Paragraph 1.20 of the Countryside Agency guidance confirms that the National Park Management Plan “...is the single most important document for each National Park.” National Park Management Plans are Plans for National Parks, not just National Park Authorities. All those with interests in a National Park should take account of the Management Plan’s vision of the area.

- **It is the over-arching strategic document for the National Park – central to the future of the National Park;**
- **It co-ordinates and integrates other plans, strategies and actions in the National Park, where they affect the national Park purposes and duties;**
- **It sets the vision and objectives for the National Park, which will guide the future of the National Park over the next 20 – 30 years;**
- **It indicates how the National Park purposes and associated duties will be delivered through sustainable development;**
- **It sets a frame for all policy and activity pursued by the Authority, including potential funding bids for grant, from the European to the local level.**

## Regional Planning

A Ministerial Order was issued on 18 December 2007 confirming that the New Forest National Park is deemed to lie wholly within the South East Region for regional planning purposes (Ministerial Order, 2007 No. 3276 - The Town and Country Planning (Regions) (New Forest National Park) (England) Order 2007).

### **Regional Planning Guidance Note 9: South East (March 2001)**

Policy E1 and the supporting text states that development plans should protect and enhance the landscape value of the New Forest Heritage Area (including the small area within Wiltshire).

### **Draft Regional Spatial Strategy for the South East (Submitted 2006)**

Paragraph 1.7 states that the Government recognises that each National Park is different, so although the overarching policy framework needs to uphold generic National Park standards and objectives, these need to be informed by more locally specific issues. "There are special circumstances in the New Forest that warrant a tailor-made policy approach, due to the fact that it has the highest proportion of area in international nature conservation designations of any National Park; it is the smallest National Park; and is under intense pressure." There is also a need to protect areas outside the National Park for 'back-up' commoning land to sustain grazing in the open forest. Further work needs to be undertaken to provide advice to local planning authorities with regard to protecting the setting of the National Park and safeguarding land with a functional relationship to it.

### **Inspector's Report published August 2007**

The Inspector's Report into the draft South East Plan broadly supports the policy approach to the New Forest National Park, with some amendments to recognise the specific character of the New Forest, to provide a positive message on suitably located small scale proposals, and to make its setting a material planning consideration given the "...acute pressures of urbanisation in the area."

The draft Regional Spatial Strategy for the South East also sets out the housing requirement for districts within the South East region. The draft Strategy states that a total of 4,140 dwellings should be delivered within the 'New Forest' during the period 2006 – 2026. The 'New Forest' covers the whole of New Forest District and the whole of the New Forest National Park (including the parts within Test Valley Borough and Salisbury District).

The New Forest District Council Core Strategy Preferred Options document (October 2007) covers the area of the District outside the National Park and makes provision for "up to 4,770 dwellings" over the Plan-period (Policy Outline CS4) in this area. This figure exceeds the draft South East Plan target for the whole New Forest area of 4,140 dwellings – which was endorsed by the Inspector's Report (August 2007) – by 15% without the provision of housing within the New Forest National Park. The regional housing requirement is therefore met without the need to allocate land for housing development within the National Park.

It is likely that small scale housing development within the National Park will continue, principally to meet local needs, and this development will contribute towards the South East Plan target. Based on previous

rates of development in recent years in the National Park, the Authority has estimated that housing development might deliver an average of up to 10 dwellings per annum (amounting to not more than 200 dwellings over the plan period to 2026). This figure will be treated as a 'best estimate' of delivery, rather than a housing target for the National Park.

*Discounted Options for dealing with the regional housing requirement:*

In assessing the approach to the regional housing requirement set out in the Submission draft South East Plan, the Authority considered setting a numerical target for the overall level of housing development over the Plan period (and the annual level required to meet this) within the National Park Plan. However, this was not considered to be appropriate within the context of a National Park, where residential development is limited by national and international environmental designations and primarily geared towards meeting local needs for affordable housing. The amount and location of future residential development within the National Park will be dictated by the extent of local need and by the ability of local communities to absorb development without harm to the local environment and character.

**Secretary of State's Proposed Changes to the South East Plan**

The Secretary of State's proposed changes to the South East Plan were published in July 2008. In accordance with the Panel's recommendations, the Government proposes to amend the New Forest National Park policy (C1) to recognise the specific character of the New Forest, to provide a positive message on suitably located and designed small-scale proposals, and to make its setting a material factor in planning decisions. The proposed wording is set out below.

High priority should be given to conserving and enhancing land and its specific character within the New Forest National Park. The local planning authority and other partners should also develop supportive sustainable land management policies, both inside the National Park and within the zone of 'New Forest commoning activity', including protection of grazing land outside the National Park which is needed to support National Park purposes.

In considering proposals for development, the emphasis should be on small-scale proposals that are sustainably located and designed. Proposals which support the economies and social well being of the Park and its communities, including affordable housing schemes, will be encouraged provided that they do not conflict with the purposes for which the Park has been designated. Planning decisions should also have regard to the setting of the Park.

Although no change is proposed to the level of housing required within 'the New Forest', the Secretary of State's proposed changes include separating out the National Park's requirement of 11 dwellings per annum (220 dwellings over the Plan period) from the New Forest District requirement. The National Park Authority will be responding to this proposed change during the three month consultation period which closes at the end of October 2008.

## **Regional Economic Strategy for the South East 2006 – 2016**

Quality of life is identified as a key competitive advantage for the South East. Over a third of the region is designated as protected landscapes, and this is a key driver of the local economy. The Strategy seeks to achieve higher levels of prosperity without increasing the region's ecological footprint. Pursuing growth within the region's environmental limits can create new opportunities for innovation and competitiveness.

### **Partial Review of the South East Plan: Provision for Gypsies and Travellers**

Since the South East Plan was submitted in March 2006 new Government guidance has been issued on the need to provide for gypsy and traveller accommodation. The South East Plan contains an interim statement, and the Regional Assembly are undertaking an early partial review to identify the number of gypsy and traveller pitches required for each local authority. The Assembly expects to undertake public consultation on a range of options for pitch provision in September 2008.

### **Draft Regional Spatial Strategy for the South West**

The draft Regional Spatial Strategy for the South West was submitted to the Government in April 2006. Although the New Forest National Park is deemed to lie wholly within the South East region for planning purposes, development immediately adjoining the National Park within the South West region (e.g. within Salisbury District, East Dorset District, Christchurch Borough) can impact on the National Park and this is reflected within the draft Regional Spatial Strategy.

Paragraph 7.2.7 of the submission draft Plan states that, "Although policy coverage for the New Forest National Park is given in the 'South East Plan', development in the South West region adjoining the Park should not prejudice the achievement of the Park's purposes, as set out in Policy ENV3... Section 62(2) of the Environment Act 1995 requires relevant authorities (including National Park Authorities, statutory undertakers and other public bodies) to have regard to the statutory purposes of National Park designation."

Policy ENV3 (Protected Landscapes) states that, "Particular care will be taken to ensure that no development is permitted outside the National Park or Areas of Outstanding Natural Beauty which would damage their natural beauty, character and special qualities or otherwise prejudice the achievement of National Park." This policy, which was endorsed in the Inspector's Report (January 2008), confirms that development proposals within Dorset and Wiltshire should have regard to the statutory purposes of the adjoining New Forest National Park, as required by Section 62(2) of the Environment Act. The Government's response to the Inspector's Report is still awaited.

## New Forest National Park Plan

Taking into account that national and regional framework that national park authorities operate under, the New Forest National Park Authority has chosen to combine the requirements for the National Park Management Plan and the Local Development Framework Core Strategy into a single 'National Park Plan'. There is support for this approach within the recent Inspector's Report into the Dartmoor National Park Core Strategy (February 2008), where the Inspector commented,

"Given the statutory purposes of National Parks and national planning policy, in effect imposing material restraints on development other than that promoting the purposes of National Parks, together with the overarching 'strategic' role of [National Park] Management Plans, one has to wonder whether a Core Strategy in the same form as for conventional local planning authorities is needed at all."-paragraph 3.7

"...I firmly believe there are opportunities for National Park Authorities and their umbrella organisations to explore and initiate ways of simplifying and bringing closer together the Local Development Framework and Management Plan process. This need not await central advice. It is in everyone's interest to minimise costs, prevent apparent overlaps and duplication, and provide clarity and simplicity to achieve better public understanding..." – paragraph 3.10