



New Forest National Park Local Plan 2016 – 2036

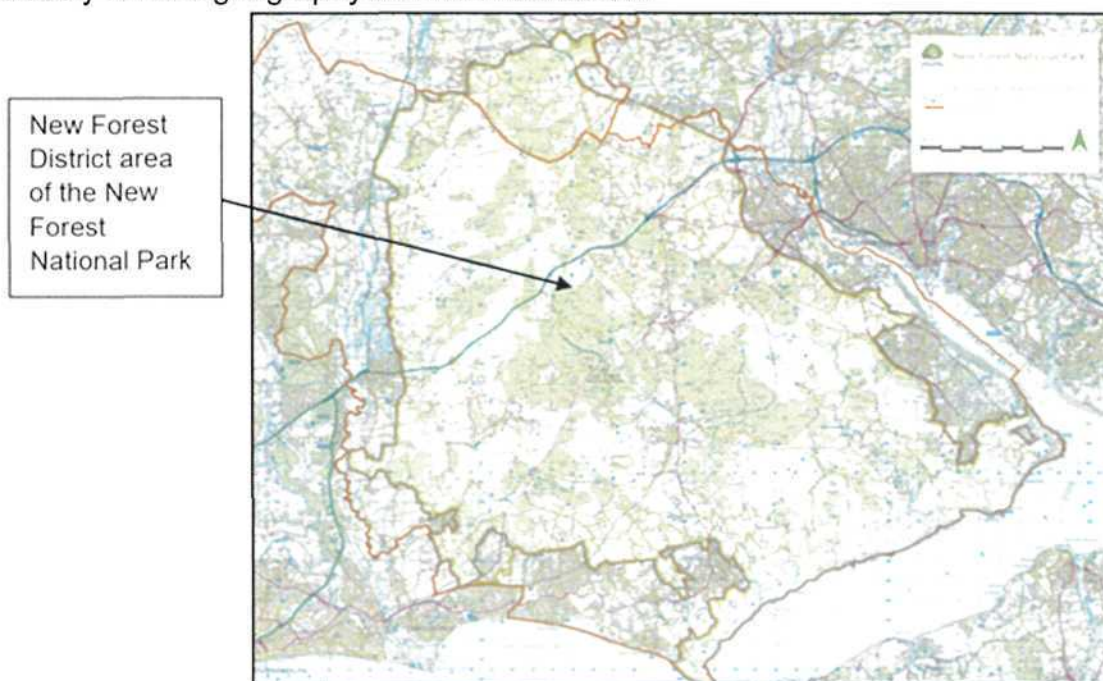
Statement of Common Ground between the New Forest National Park Authority and New Forest District Council May 2018

1. Introduction

- 1.1 The *Localism Act 2011* places a legal duty on planning authorities and other prescribed bodies to cooperate with each other on strategic planning matters throughout the preparation of their development plan documents. It is expected that engagement and cooperation will be constructive, active and ongoing.
- 1.2 Both the National Park Authority and District Council are required to publish 'Duty to Cooperate Statements' setting out how this legal duty has been fulfilled in the preparation of their respective Local Plans. This separate 'Statement of Common Ground' focuses on the main areas of agreement and has been prepared following the publication of the amendments to national planning practice guidance in March 2018, which include the requirement for Statements of Common Ground. It has been jointly agreed by the National Park Authority and District Council and should be read in conjunction with the Duty to Cooperate Statement that accompanies the Authority's Submission draft Local Plan.

2. The administrative areas covered by the Statement of Common Ground

- 2.1 The New Forest National Park Authority and New Forest District Council have a closely related geography as illustrated below.



- 2.2 The National Park Authority is the sole planning authority for the whole of the area of the National Park – approximately 94% of which lies within New Forest District. The District Council is the planning authority for the area of New Forest District outside the National Park – including the Waterside area; the Avon Valley and Downlands; and the southern coastal area. This geography means that the National Park Authority and District Council have worked closely together as the respective Local Plan reviews are undertaken.
- 2.3 The National Park Authority and District Council have jointly commissioned a range of shared evidence base studies, including the Strategic Housing Market Assessment and the updated objective assessment of housing needs; Strategic Flood Risk Assessment; Employment & Business Needs Assessment; and Air Quality assessments. This joint working recognises the relationship between the National Park and District and also ensures a consistent approach to cross boundary planning matters.

3. The key strategic matters being addressed by the Statement

- 3.1 The NPPF (2012) states that the Government expects joint working on areas of common interest and paragraph 156 of the Framework sets out a number of strategic priorities. Of particular relevance to the New Forest, these priorities include the homes and jobs needed in an area; and the conservation and enhancement of the natural environment, including landscape.
- 3.2 The National Park Authority and District Council agree that the following are the key strategic matters for the two planning authorities.
- Objectively assessed housing needs (OAN)
 - Habitat mitigation measures
 - The 'duty of regard' to the statutory National Park purposes
 - The proposed redevelopment of the former Fawley Power Station site
 - Land at Calshot village

(i) Objectively assessed housing needs (OAN)

- 3.3 The Government published their proposed standardised methodology for calculating housing needs in September 2017. The standardised methodology was subsequently included in draft updates to national planning practice guidance published in March 2018. It is common ground between the National Park Authority and District Council that the standardised methodology for calculating housing needs does not apply within the New Forest National Park.
- 3.4 It is also common ground between the National Park Authority and District Council that the proposed standardised methodology for calculating housing needs is not a reasonable basis for the purposes of planning for New Forest District outside of the National Park, given that 68% of New Forest District lies within the National Park boundary (therefore not under the District Council's planning remit), whilst 81% of the district population resides outside the National Park.

- 3.5 Consequently it is agreed by the National Park Authority and the District Council that the most up-to-date evidence of housing needs in the combined New Forest National Park and New Forest District Council planning areas is the report entitled Objectively Assessed Housing Need, prepared by Justin Gardner Consulting (October 2017). This establishes a housing need in the National Park of 1,260 additional dwellings between 2016 and 2036; and a housing need in New Forest District (outside the National Park) for 10,420 additional dwellings over the same period.
- 3.6 The New Forest National Park is covered by a range of landscape and habitat designations that, in accordance with paragraph 14 and footnote 9 of the NPPF (2012), provide a clear rationale and justification for restricting development. The National Park Authority's Submission draft Local Plan 2016 – 2036 (January 2018) therefore proposes the delivery of 800 additional dwellings in the National Park over the Plan-period. This figure represents an under-provision of housing within the National Park of 460 dwellings over the Plan-period to 2036 (or 23 dwellings per annum).
- 3.7 The District Council supports the approach taken by the National Park Authority in seeking to accommodate new residential development within the National Park (including through proposed housing allocations) where it can be achieved in accordance with the principles of sustainable development.
- 3.8 It is common ground between the two authorities that the extent of environmental and other significant constraints within the District outside the National Park means that whilst New Forest District Council may be able to meet its own need figure (defined in the Justin Gardner Consulting report 2017), it is unlikely to be able to assist with meeting the unmet need arising from within the National Park.

(ii) *Habitat Mitigation Measures*

- 3.9 The combined New Forest area (National Park and District) is covered by a range of international habitat designations, with the heathland and woodland core of the National Park, much of the Southampton Water & Solent coastlines and parts of the Avon Valley covered by Natura 2000 designations. Consequently the National Park Authority and District Council have in recent years both established packages of habitat mitigation measures funded through developer contributions (and, in the case of the District Council, also through the Community Infrastructure Levy). Mitigation measures include the employment of a full time ranger, based at the National Park Authority and funded by the District Council.
- 3.10 The National Park Authority and District Council are both working with Land Use Consultants (LUC) on the Habitats Regulations Assessments of their respective Local Plans. These emerging assessments indicate that potential in-combination impacts on the integrity of the New Forest's Natura 2000 sites cannot be ruled out from the development proposed within the respective Local Plans. Given this, it is common ground between the two authorities that all new residential development within the National Park Authority and District Council administrative areas will be required to contribute towards habitat mitigation

measures. This includes provision of recreational mitigation areas on or directly adjoining larger sites (predominantly in the District Council Plan area) to reduce visits to more sensitive areas.

3.11 The National Park Authority and District Council are also working together:

- To identify whether traffic emissions are likely to have a significant effect on Natura 2000 sites, and if required, to work with other relevant parties to put in place appropriate monitoring and management or mitigation measures.
- Through the Solent Recreation Mitigation Partnership (SRMP) to collect contributions from developments within 5.6km of the Solent coastline to deliver a wide range of mitigation measures along the coast.
- To encourage neighbouring authorities (and Natural England) to develop a strategic approach to the mitigation of development impacts from planned housing in the area around the New Forest, protecting the integrity of its habitats, equivalent to the arrangements in place for mitigation for the Solent area.
- With other planning authorities in the River Avon catchment to identify appropriate mechanisms to ensure residential development in the River Avon catchment is neutral in relation to phosphorus levels in the River Avon.

(iii) *The 'Duty of Regard' to the statutory National Park purposes*

3.12 Section 62(2) of the Environment Act 1995 makes it a duty for all relevant bodies (including neighbouring planning authorities) to have regard to the two statutory National Park purposes when carrying out their duties or making decisions that could affect the National Park. This legal duty recognises that the delivery of the two statutory National Park purposes rests with a wide range of bodies, not just National Park Authorities.

3.13 The National Park Authority's consultation response to the District Council's consultation draft Local Plan 2016 – 2036 (September 2016) highlighted this legal 'duty of regard'. Following this representation, the District Council has incorporated the Duty of Regard into the sustainability appraisal process to inform preparation of their Pre-Submission draft Local Plan, and has agreed to make appropriate reference to the Duty of Regard within the emerging Local Plan document. The National Park Authority considers that the District Council is taking positive steps towards meeting the legal Duty of Regard.

(iv) *The Fawley Regeneration Area*

3.14 The site of the former Fawley Power Station lies within New Forest District Council's planning remit, although the site is entirely surrounded by the National Park. Both the District Council and National Park Authority recognise the importance of this major brownfield resource and the need to plan positively for its future use. The two authorities have therefore worked together (and with

the landowner) to assess the redevelopment potential of the site and the enhancement of the surrounding area to deliver landscape, habitat and access benefits. The District Council welcomes and strongly supports the inclusion of policy SP25 in the National Park Authority's Submission draft Local Plan (January 2018).

3.15 In supporting in principle of the redevelopment of the Power Station site it is common ground between the National Park Authority and District Council that:

- (a) The former Fawley Power station site represents a unique brownfield redevelopment opportunity, requiring a tailored policy approach across both Local Plans.
- (b) The jointly commissioned viability assessment (Nationwide CIL, 2017) indicates that development on only the brownfield part of the site would not be economically viable and would not deliver the wider benefits of a comprehensive redevelopment.
- (c) The development under Policy SP25 of greenfield land within the National Park should be an integral part of the redevelopment of the Power Station site. It is common ground between the two planning authorities that a comprehensive and cross-boundary redevelopment of the Power Station site is capable of meeting the requirements in paragraph 116 of the NPPF for exceptional circumstances to be demonstrated before major development in a National Park can be supported. It is also common ground that the greenfield development part of the proposed comprehensive Power Station scheme would not meet the paragraph 116 test of exceptional circumstances on its own.
- (d) It is agreed that the two planning authorities will require a single masterplan to be prepared for the purposes of obtaining planning permission from both authorities for the whole of the former Fawley Power Station site, to include within the red line any adjoining land required or relied upon to bring forward the site as a whole (including for habitat compensation, recreational mitigation and supporting infrastructure and facilities).
- (e) It is also agreed that component elements of the overall scheme should be brought forward pursuant to an approved master plan rather than by piecemeal applications.
- (f) In the specific context of the significance of the major brownfield redevelopment and regeneration opportunity for both planning authorities, it is agreed in principle and subject to the manner of implementation, that it is acceptable to make use of land adjoining the former Power Station site and within the National Park to provide recreational habitat mitigation and other public open space that cannot reasonably be achieved within the District Council area. It is also agreed that:
 - the planning application masterplan will be required to set out where and how recreational habitat mitigation and public open space would be provided, maintained and managed; and that

- the most relevant tests for the determination of a planning application for recreational habitat mitigation and other public open space within the National Park include: demonstration of clear public benefits in relation to improved public access; the provision of suitable greenspace for recreation that fits and enhances its New Forest and Solent coastal landscape contexts; and habitat enhancements to ensure net gains in biodiversity.
- (g) Due to Health & Safety Executive (HSE) restrictions on the use of land outside the National Park and closer to Fawley Refinery, the principle of the use of land with the National Park near Calshot village for a new primary school to serve the development is supported.
- (v) *Calshot village proposed housing allocation*
- 3.16 It is agreed that land at Calshot village is suitable for residential and cemetery use and as landowner the District Council welcomes and supports the proposed allocation set out in Policy SP26.

4. Governance arrangements for the cooperation process

- 4.1 The National Park Authority and District Council have a positive working relationship at both officer and member/councillor level. The District Council directly appoints four of the National Park Authority's 22 members and the District Council delivers a range of statutory functions for the area of the National Park that lies within New Forest District.
- 4.2 The National Park Authority and District Council have regular officer level liaison meetings, covering planning policy and housing. This Statement of Common Ground has been prepared and agreed at officer level between the two authorities. It is anticipated that a similar statement will be prepared when the District Council submits their Local Plan 2016 – 2036 to the Secretary of State for independent examination in Autumn 2018. This timetable would provide an opportunity to update this Statement where appropriate.

5. A record of where agreements have (or have not) been reached on key strategic matters

- The Government's draft standardised methodology for calculating housing needs does not apply within the National Park, transition period notwithstanding. Therefore the Justin Gardner Consulting assessment (2017) provides the best available evidence of housing needs for the National Park and District planning areas.
- Against this assessment, there is a planned under provision of circa 460 dwellings in the National Park over the Plan period to 2036.
- New Forest District Council is likely to be able to meet its own need figure (as defined in the Justin Gardner Consulting report 2017) but is unable to assist with meeting the unmet need arising from within the National Park.

- All new residential development within the National Park Authority and District Council administrative areas will be required to contribute towards habitat mitigation measures.
- The National Park Authority and District Council will continue to work in partnership with each other and with the relevant neighbouring planning authorities to deliver strategic habitat mitigation measures for the New Forest and Solent sites, to address phosphorus levels in the River Avon SAC, and to monitor and if necessary address air quality-related impacts on New Forest habitat sites.
- The former Fawley Power station site represents a unique brownfield redevelopment opportunity that should be positively planned in a coordinated manner across the plan area boundary. Viability evidence demonstrates that development on only the brownfield part of the site would not be economically viable.
- Development of land within the National Park adjacent to the brownfield former Power Station site must be considered as an integral part of the wider redevelopment.
- The proposed housing allocation at Calshot village is suitable, available and deliverable for housing development.

6. Other matters

- 6.1 New Forest District Council is the statutory housing authority for the area of the National Park that lies within New Forest District. In this capacity, the District Council supports the National Park Authority's proposed Local Plan approach to affordable housing provision on development sites (Policy SP27) and on rural exception sites (Policy SP28). The National Park Authority (as the planning authority for the National Park) and the District Council (as the housing authority for circa 94% of the National Park) agree to work closely to deliver appropriate affordable housing schemes for local people.

7. Signatories

Signed on behalf of the New Forest National Park Authority		
Name and position	Signature	Date
David Iltley - Policy Manager		04.05.18

Signed on behalf of New Forest District Council		
Name and position	Signature	Date
GRAINNE O'ROURKE Executive Head		4.5.18

