

**New Forest National Park
Local Plan Examination**

Hearing Session - Tuesday 6th November 2018 (2.00pm)

Matter 3 – The Spatial Strategy, Strategic Policies and
Development Principles

Questions 3.6 and 3.7

Hearing Statement on behalf of:

**Associated British Ports (Port of Southampton)
(Respondent Reference 162)**

Statement Prepared by
Adams Hendry Consulting Ltd

7 September 2018

NFNPA LOCAL PLAN EXAMINATION – ABP (REF 162) MATTER 3 STATEMENT

New Forest National Park Authority - Local Plan Examination

Matter 3 – The Spatial Strategy, Strategic Policies and Development Principles

Questions 3.6 and 3.7

Introduction

- 1.1 This statement should be read alongside Associated British Ports (ABP) Representations and also its other Examination Statement that has been submitted in respect of Matter 2.
- 1.2 The introductory section of ABP's Matter 2 Examination Statement provides the context against which ABP's examination statements are provided. That information is not repeated here.
- 1.3 Against that contextual background, ABP now responds to the specific questions of relevance to its representations raised under Matter 3.

Response to Question 3.6 – “*Is the approach to major development set out in Policy SP3 justified, effective and consistent with national policy?*”

- 1.4 In its representations, ABP highlighted what it considered to be minor unsoundness issues with the wording of Policy SP3 (Major Development in the National Park) and the wording of related supporting text at paragraph 4.8.
- 1.5 As made clear in its representations, ABP considered that the policy and text as drafted was not entirely consistent with national policy, and was, therefore, not sound.
- 1.6 ABP notes that within its Schedule of Proposed Minor Modifications (CD07) the NFNPA is suggesting two minor modifications – MIN-05 (amending paragraph 4.8) and MIN-06 (amending policy SP3) – that seek to address the concerns raised by ABP. Taking these modifications in turn, ABP's view is as follows.
- 1.7 *MIN-05 (amending paragraph 4.8)* – Proposed amendment MIN-05 addresses the concerns raised by ABP in its representation and brings this paragraph of text in that regard in line with national policy contained within paragraph 116 of the NPPF (CD25).
- 1.8 *MIN-06 (amending policy SP6)* – The proposed amendments to the policy put forward under MIN-06 (which deal with matters a, b and c of the emerging policy) address the majority of the concerns raised by ABP in its representations and ensure that these elements of the policy are consistent with national policy (NPPF paragraph 116).

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- 1.9 ABP notes, however, that its suggested way forward in respect of matters e. and f. of the policy have not been taken forward as potential amendments by the NFNPA. As indicated in its representations, these policy requirements do not specifically appear as matters requiring assessment in national policy. Although the emerging plan refers to the special qualities of the New Forest National Park, there does not appear to be specific justification provided – as far as ABP can determine – for the inclusion of these specific matters in this policy of the emerging plan. Furthermore, it would appear that the matters they are seeking to address are already sufficiently covered off by part d. of the policy in any event.
- 1.10 In respect of the amendments proposed through MIN-06, ABP notes that the Inspectors – through their 12 June letter and guidance notes – query whether this constitutes a minor modification. ABP also notes the response of the NFNPA contained within its 22 June response.
- 1.11 Although, in ABP’s view, the changes put forward through MIN-06 are needed to ensure consistency with national policy, ABP’s view – having regard to the above information – is that, on balance, the changes proposed by the NFNPA through MIN-06 can be said to be a minor change.

Response to Question 3.7 – “Do the development principles set out in Policy DP2 promote the principles of sustainable development and provide clear, effective and justified guidance for development and use of land?”

- 1.12 As explained in its representations, ABP does not currently consider that part e. and f. of policy DP2 provide clear, effective and justified guidance for the development and use of land.
- 1.13 Part e. of the policy – on a strict reading – sets out an onerous requirement that simply requires development to ensure that ‘amenity is not adversely affected’. No qualification or level of significance of adverse effect is provided. When considering amenity matters, national policy puts forward a different requirement – namely securing a ‘good standard of amenity’ (NPPF, paragraph 17, bullet 4). Therefore, it would appear that there could be instances where development ‘adversely affects amenity’ but still ensures a ‘good standard of amenity’, i.e., it conforms with national policy but is contrary to local policy.
- 1.14 Part f. of the policy – again on a strict reading – sets out similarly onerous requirements in terms of traffic or pollution matters by requiring development to have ‘no adverse impacts’ in respect of these matters. This requirement is not the same as, and is more onerous than, the requirements set out in NPPF. In ABP’s view, the policy should reflect the NPPF. For example, the NPPF (at paragraph 32, third bullet) makes it clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of

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development are severe. In respect of 'pollution' matters, the extent of risk or impact within the NPPF is qualified in some way through the use of terms and words such as 'unacceptable' or 'significant'.

- 1.15 In ABP's view, therefore, parts e. and f. of policy DP2 need to be amended to make them consistent with national policy contained within the NPPF, and to ensure that they provide clear, effective and justified guidance for the development and use of land.

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