
New Forest National Park - Local Plan Examination in Public November 2018

Hearing Statement – Matter 3: The Spatial Strategy,
strategic policies and development principles

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1. Purpose of this Hearing statement

- 1.1. As set out in document ID/3 ('Inspectors' Matters, Issues and Questions (MIQ) for examination'), Matter 3 relates to the issue of whether the New Forest National Park Local Plan (NFNPLP) *'is justified, effective and consistent with national policy?'* Savills has prepared this Hearing statement on behalf of their client SSE, who is the freehold owner and operator of an existing employment site at Castle Malwood.
- 1.2. The Inspectors' MIQ have included a series of questions within each matter that are to be addressed during the relevant hearing sessions. Key questions to the Castle Malwood depot for Matter 3 are reproduced below:
- 3.1 *Does the Local Plan adequately reflect the presumption in favour of sustainable development in national policy whilst having regard to the statutory National Park purposes (Policy SP1)?*
- 3.5 *Is the approach to development outside of the Defined Villages set out in Policy SP4 appropriate and consistent with national policy?*
- 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 the development and use of land?*
- 1.3. This statement addresses the questions raised above, and includes references to a number of different NFNPLP policies, but specifically SP1, SP4, DP2, SP43 & DP44 in relation to the lack of site-specific allocation for the SSE depot at Castle Malwood and the inappropriateness of general employment policies to cover future redevelopment on this site. The paper identifies flaws in the NFNPLP that undermine the plan's soundness when considered against the new NPPF (published in July 2018), which are that it is:
- i. not *justified* as it does not represent the most appropriate strategy when considered against reasonable alternatives (i.e. including a site-specific policy for an existing major employment site), and thus is contrary to the NPPF (paragraph 35, second bullet);
 - ii. not *effective*, particularly in terms of the requirement under NPPF (paragraph 35, third bullet) for the plan to be deliverable over the plan period and paragraph 118 criterion (a) that states policies should *'encourage multiple benefits from urban and rural land, including through mixed use schemes'*;
 - iii. not *consistent with national policy* (paragraph 35, fourth bullet point) in relation to the overarching economic objective of national guidance (paragraph 8, first bullet) which seeks to achieve sustainable development and *'to help build a strong, responsive and competitive economy by ensuring sufficient land of the right types is available in the right places to support growth, innovation and improved productivity'* and paragraph 80 that details the need to *'support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*

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- 1.4. This statement should be read in combination with our representations at the Regulation 19 consultation stage (February 2018) which provide detailed analysis of this topic in relation to the SSE site at Castle Malwood. Section 4 of this statement sets out the proposed site-specific policy wording that could be taken forward as a minor modification to the plan to make it sound.

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2. Why the plan is sound

- 2.1. Using the Inspectors' questions as a reference, we consider that the spatial strategy in the NFNPLP is unsound for a number of reasons when considering the existing major employment site currently occupied by SSE at Castle Malwood, however primarily over the lack of site-specific policy that would enable sustainable development on a brownfield site.
- 2.2. Chapter 7 of the NFNPLP provides site specific policies for a number of different types of residential sites to meet objectively assessed need, however Chapter 8 concerning employment development contains no site-specific policies at all. There is generic policy SP43 that seeks to protect all existing employment land, but as the plan itself notes in paragraph 8.6 '*Given that most businesses in the National Park are relatively small, the appropriate requirements for business space are likely to be of a modest scale*'. It is therefore a failing of the plan that it does not consider those businesses in the National Park that are not '*relatively small*' and have the ability to provide sustainable, mixed used development on brownfield land. This is considered to be contrary to the NPPF, and not positively prepared.
- 2.3. The incorrect omission of a site-specific policy for the SSE depot at Castle Malwood means that the site is left to be inadequately covered by policies SP42, SP43 and DP44 of the plan, which our Hearing Statement on Matter 12 discusses in more detail. These policies do not provide the correct or necessary amount of flexibility or ability for this major employment site to grow, rationalise, redevelop or expand that a site-specific policy would provide. Ignoring a substantial, existing employment site leaves future uses and sustainable growth on the site uncertain, and to be assessed against policies clearly written for smaller sites that are not able to make the same sustainable contribution to development within the National Park.
- 2.4. In these respects, the NFNPLP directly contradicts the NPPF at paragraph 83 (1st bullet) which sets out the principle that planning policies should *enable 'the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings'* as well as criterion a) of paragraph 110 that states policies should '*encourage multiple benefits from urban and rural land, including through mixed use schemes*'.

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3. Evidence to support unsoundness

- 3.1. The Castle Malwood Depot site has a strategic importance within the National Park being located directly adjacent to the A31 and currently occupied by a major national company, SSE. As consistently highlighted to the Local Planning Authority prior to and through the local plan preparation process (see Appendix A - letters sent to the NFNPA regarding the site), there is a realistic prospect of either parts, or all of the site becoming surplus from the SSE portfolio in the short-term future. Previous representations on behalf of our client have seen a site-specific policy suggested that seeks to ensure appropriate redevelopment of the site would take place in the event the existing occupier deemed some or all of the land surplus. This proposed position was received positively by planning policy officers at a site meeting in January 2017, yet despite this ongoing dialogue there is no site-specific allocation within the NFNPLP for this large, brownfield site with significant building coverage and excellent accessibility onto the major highway network.
- 3.2. Question 3.1 from the Inspectors asks whether the Local Plan through policy SP1 adequately reflects the presumption in favour of sustainable development in national policy - the policy lists seven criteria that would guide this presumption and what is essential is that a site-specific policy for the Castle Malwood depot would accord with all five of these criteria that would be relevant to any redevelopment scheme on the site.
- 3.3. Allocating the land for employment use and accepting the principle of a mixed use development on the site would offer: enhanced access to employment opportunities, local infrastructure, community and recreational facilities (criterion A), the ability to secure enhanced landscaping through high quality design (criterion C), a positive contribution to the built environment (criterion D), would not impact on the integrity of protected habitats (criterion E) and could make use of sustainable building techniques and local materials (criterion G).
- 3.4. Providing a site-specific policy for the Castle Malwood depot would promote economic growth, enable sustainable development on a brownfield site and seek to ensure journeys are minimised through the co-location of uses and services on a rural site, all in accordance with the NPPF and the general presumption in favour of sustainable development.
- 3.5. Question 3.5 from the Inspectors then queries whether the approach to development outside the Defined Villages in policy SP4 is appropriate and consistent with national policy. The approach is to restrict development outside of the Defined Village boundaries and, notably, allocated development sites, subject to a number of criteria. Those relevant to the Castle Malwood depot are criteria (b) and (e) which outline that proposals must be in accordance with policies DP44 and DP49. Our hearing statement on Matter 12 details how these two policies are inadequate to cover an existing major employment site that may be liable for redevelopment during the plan period and has the ability to provide sustainable, mixed use development on brownfield land.

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- 3.6. As Castle Malwood is not an allocated development site, but lies outside of the Defined Villages boundary, the restrictive approach to the site in policy SP4 must be considered unsound and not consistent with national policy. Paragraph 117 of the NPPF is explicit that '*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses' and 'in a way that makes as much use as possible of previously-developed or 'brownfield' land.'* There is no question the Castle Malwood depot is previously developed, brownfield land, therefore the policies within the NFNPLP should enable the most effective use of this land as possible. However, as currently worded they simply do not achieve this as they actively prevent any mixed-use or comprehensive redevelopment for a range of employment generating uses.
- 3.7. The policy position within the plan as drafted, creates an inability for a brownfield site to maximise potential and make best use of land, which in turn places significant pressure on more sensitive land within the National Park. As the supporting text to policy SP19 of the NFNPLP notes '*Given the wide range of designations covering the New Forest National Park, it is clear that the full identified need for housing will not be met. To do so would clearly conflict with the statutory National Park purposes. Over half of the National Park is designated as being of international importance for nature conservation and the NPPF is clear that development which would impact on the integrity of such sites does not constitute sustainable development.'* To unnecessarily restrict the use of brownfield sites such as the Castle Malwood depot whilst being unable to meet identified need is neither justified, effective nor consistent with national policy.
- 3.8. Question 3.7 from the Inspectors then questions whether the development principles set out in policy DP2 promote the principles of sustainable development and effectively guide the development and use of land within the National Park. The eight criteria covering scale, landscaping, materials, amenity and transport adequately promote sustainable development, however as demonstrated in this hearing statement and the other submitted on Matter 12, even development proposals which could accord with DP2, make effective, sustainable use of brownfield land and reduce pressure on more sensitive sites within the National Park, would be contrary to other inappropriately worded policies within the NFNPLP. This would appear to be in direct conflict with the presumption in favour of sustainable development, as set out in criterion (a) of paragraph 11 in the NPPF that states '*plans should positively seek opportunities to meet development needs and be sufficiently flexible to adapt to rapid change'*. Criterion (b) of the same paragraph then notes that designations such as a National Park, may restrict the distribution of development in an area (further detailed in paragraph 172 of the NPPF), thereby intensifying the need to make best use of previously developed, brownfield land in these designated areas of national importance.

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4. Potential for remedy to make the plan sound

- 4.1. The following policy and supporting text are suggested for inclusion as a site-specific policy for the Castle Malwood depot. A plan is also attached at Appendix B showing the proposed red line boundary for the allocation.

SUPPORTING TEXT:

The existing uses on the Castle Malwood site include over 3,000 square metres of B1 offices, B1 workshops, B8 storage uses and a sui generis social club, and almost 3,500 square metres of B8 open storage. In addition, there is an outdoor training area (sui generis) and a sports pitch. Parts of, or all of the site, may be available for redevelopment within the plan period, and the site is situated in an accessible location directly adjacent to the primary highway network (A31). As such, the following policy seeks to ensure an appropriate and viable re-use of the site can be achieved, whilst also protecting the existing employment land in line with policies SP43 and DP44 of the Local Plan.:

POLICY WORDING:

It is proposed to allocate the Castle Malwood depot site for employment uses, including B1, B2 and B8 Use Classes. The site also has the potential to provide additional uses to allow for a mixed-use development (for example hotel - C1 Use Class and care accommodation - C2 Use Class), subject to:

- ***Comprehensive redevelopment of the entire depot site;***
- ***The additional use or uses on the site are compatible with employment use and the site's neighbours in terms of its design, amenity impacts, and in relation to any parking and traffic implications;***
- ***Landscape provision to protect the character and appearance of this part of the National Park and to retain the existing woodland and, if required, playing fields;***
- ***New development to be appropriate in terms of scale, form and massing;***
- ***The provision of a suitable means of vehicular access;***
- ***Detailed transport assessment to be undertaken with traffic movements not resulting in a severe residual cumulative impact on the network.***

- 4.2. In summary, the inclusion via minor modification of a site-specific policy for the SSE depot at Castle Malwood would rectify a substantial omission from the submitted plan that we believe is unsound.

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