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# **New Forest National Park Submission Draft Local Plan 2016-2036**

Hearing Statement

Matter 5: Protecting and Enhancing the Natural Environment

Prepared on behalf of Taylor Wimpey Strategic Land

September 2018



**New Forest National Park**

**Submission Draft Local Plan 2016-2036**

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## 1.0 INTRODUCTION

- 1.1 This Hearing Statement has been prepared and submitted by Barton Willmore on behalf of Taylor Wimpey Strategic Land, in relation to land known as ‘Land to the north of Hightown Road, Ringwood’, which is proposed for allocation (Strategic Site 14) in the New Forest District Council Emerging Local Plan. Taylor Wimpey controls this land including a parcel of land which extends into the New Forest National Park. A site location plan is included at Appendix 1.
- 1.2 As set out at paragraph 214 of the recently published National Planning Policy Framework (NPPF) (July 2018), the policies in the previous Framework (March 2012) will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. As the New Forest National Park Authority Local Plan was submitted in May 2018, the March 2012 NPPF remains the relevant national policy for its examination.
- 1.3 Since our previous representations in February 2018, in response to the Submission Draft version of the National Park Authority Local Plan 2016-2036, the Local Plan has been submitted for examination. The submitted Local Plan is the same as the January 2018 Local Plan, with the exception of a schedule of proposed minor modifications that have since been published. However, the proposed minor modifications do not propose any amendments to Policy SP9 or its supporting text. The amendments and clarity sought through our February 2018 representations in relation to this policy therefore remain absent, as explained in detail below.
- 1.4 The NPPF (2012) has four soundness tests, as set out in paragraph 182. It is necessary for every policy in the Local Plan to meet each of these tests. For the reasons explained in our February 2018 representations, Policy SP9 cannot be regarded as sound without the suggested modifications.
- 1.5 In particular, we consider Policy SP9, which states that providing new Suitable Alternative Natural Greenspace (SANG) as mitigation for development outside the National Park is not appropriate and will only be considered in exceptional circumstances, to not be sound because it is not evident that the approach taken is the most appropriate, and therefore that it is justified as per Paragraph 182 of the NPPF 2012. This is evident as circumstances such as that at ‘Land to the north of Hightown Road, Ringwood’ (see Appendix 1), where Taylor Wimpey controls an area of land within the National Park which could be suitable for SANG, have not been considered. The site at Hightown Road is a proposed allocation by the New Forest District Council for residential and employment land, together with a requirement for SANG. In this circumstance, the land ownership for the site spans across into the National Park and includes land within the National Park that is currently inaccessible to the public. In this case, it is considered logical and appropriate in planning and environmental terms for the housing development to be located within the New Forest District Council area and for an area of SANG to span across the National Park boundary, which could

include environmental enhancements to this area as well as making it publicly accessible and therefore attract people away from the SPA.

- 1.6 This is discussed in more detail in Section 2 which sets out in further detail why modifications to Policy SP9 are necessary, and that the policy in its current form is not considered to be sound.

## 2.0 RESPONSE TO MATTER 5

### Question 5.5: Is the approach to Suitable Alternative Natural Greenspace (SANG) set out in Policy SA9 appropriate and justified?

2.1 As set out in the representations to the Submission Version of the Local Plan (January 2018), we partially support Policy SP9, with regard to its approach to green infrastructure provision and criteria a), b) and c). However, we do not consider it to be appropriate or justified for the policy to assert a restriction to SANG within the Authority area or to not set out what the exceptional circumstances could be. We also consider that the start of the policy which references working with others to develop green infrastructure is inconsistent with the latter part of the policy which restricts its delivery.

2.2 Policy SP9 states that:

*“The Authority will **work with other Partners and adjoining authorities** to develop green infrastructure, and to **ensure the impacts of development both within and outside the National Park’s boundary** do not adversely affect the landscape character of the National Park or the **internationally important nature conservation designations**”. (our emphasis)*

2.3 Furthermore, the draft Local Plan states at paragraph 1.12 that one of the agreed main areas of strategic cross boundary planning interest are:

*“Habitat protection – over half of the New Forest National Park is designated as being of international importance for nature conservation. Consequently, there is a **shared need to ensure that planned level of development within NP and surrounding areas does not adversely impact on the integrity of the New Forest’s protected habitats**” (our emphasis)*

2.4 This sets out a clear intention and statement that the National Park Authority are looking to work with neighbouring authorities to ensure that planned development within and outside the boundary of the National Park do not adversely impact nationally and internationally important conservation designations. This sentiment accords with paragraph 178 of the NPPF 2012 which requires a duty to cooperate between authorities, with particular regard to strategic priorities such as nature conservation (paragraph 156 of the NPPF 2012).

2.5 However, the policy wording goes on to restrict SANG within the National Park, unless there are exceptional circumstances. The justification given for such a restriction is due to the unlikelihood of large residential allocations within the National Park itself (paragraph 5.43 of the Draft Local Plan). Significantly, this approach does not recognise where neighbouring authorities are allocating major development adjacent to the National Park, and consequently where land on the edge of the National Park could be most appropriately located to provide SANG that would relieve



pressure on nearby SPAs, including those within the National Park itself and open up previously inaccessible areas to the public. For this reason, the restrictive policy for SANG contradicts the aforementioned cross boundary 'duty to cooperate' approach to protect conservation designations and habitats and the start of Policy SA9 which states that the Authority will work with other Partners and adjoining authorities to develop green infrastructure.

- 2.6 For example, whilst the site at Land to the north of Hightown Road, Ringwood can accommodate sufficient SANG on site, within the District's boundary, there is opportunity for betterment and enhancement of land to the east of the site, that is within the National Park and Taylor Wimpey's control, through bringing it forward as SANG and making it publicly accessible. This would have the added benefit of allowing for the most efficient use of land within the District Council's boundary for a denser housing development in one of the major settlements, thereby contributing more to the significant local housing need of the District Council, as well as the unmet need from the National Park, and providing suitable green infrastructure that is publicly accessible in the National Park to attract people away from the SPA.
- 2.7 Therefore, the creation of SANG on the edge of the New Forest in these circumstances would help to relieve recreational pressure on internationally important nature conservation sites, and provide opportunities for healthy recreation and local communities to access open space, which is supported by criteria b) and c) of Policy SP9.
- 2.8 As demonstrated above, the strategy taken by the New Forest National Park Authority with regard to restricting SANG within the Authority boundary, is not the most appropriate when considered against alternatives, where such an alternative is for a case-by-case approach to the suitability of SANG, taking into account the site-specific circumstances and the benefits that can be gained. Therefore, the current proposed policy approach is not justified, when considered against the tests of soundness and paragraph 182 of the NPPF 2012 and should be modified. It is also not clear what 'exceptional circumstances' would need to be to justify the creation of SANG within the National Park boundary.
- 2.9 It is relevant to consider the purposes of the National Park and SANG, and whether there are alignments which suggest allowance of SANG in such circumstances, as described above and in paragraph 1.5, which would benefit both the Park and the SPAs. This is explained further below.
- 2.10 The two statutory National Park purposes, as set out by the Environment Act 1995, are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of the New Forest;
  - To promote opportunities for understanding and enjoyment of the special qualities of the New Forest by the public.

2.11 The purpose of SANG, or alternative natural recreational green spaces, as set out in the New Forest District Council draft Mitigation for Recreational Impacts SPD 2018, is to:

*“mitigate against recreational impact on natural habitats of the New Forest and Southampton Water, and Solent Coastal European Sites.” (page 45)*

2.12 The SPD goes on to state that:

*“The approach to mitigation in the New Forest District (outside of the National Park) involves, amongst other measures, the provision of a network of natural greenspaces located close to people’s doorsteps, which will form a desirable alternative to visiting the natural habitats of the New Forest and Southampton Water and Solent Coast European Sites for recreational purposes, including dog walking (as well as providing attractive and healthy places to live).” (page 45)*

2.13 In terms of national policy, paragraph 115 of the NPPF 2012 states that *“Great weight should be given to conserving landscape and scenic beauty in National Parks... the conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks...”*

2.14 From the above, a correlation can be found between the purposes of SANG and the National Park, as well as the direction of national policy with regard to National Parks. National policy and the legislative purposes of National Parks seek to conserve the wildlife of the New Forest, which includes the New Forest SPA; the purpose of SANG is to achieve conservation of wildlife through providing alternative recreational space. There is no identifiable conflict here. Further, the creation of SANG on the edge of the New Forest in circumstances such as neighbouring authority developments, would open up part of the New Forest to the public in a managed manner that would encourage visitors to enjoy the New Forest on a managed area of land whilst conserving the wildlife and avoiding more sensitive areas of the National Park, in line with the second statutory purpose.

2.15 Overall, the current wording of Policy SP9 is overly restrictive without justification. As above, we have demonstrated the potential of SANG to benefit and support the purposes of the National Park, and also to help neighbouring authorities meet their local needs. An alternative approach has not been considered, which would seek to review any application for SANG on its own merits, dependent on the circumstance of that application, such as neighbouring housing development and any ecological benefits and protection this could bring to the National Park. The current approach is therefore not justified, as per the definition of soundness with paragraph 182 of the NPPF 2012, as the evidence base does not take into account the reasonable alternatives and for the reasons set out above is not the most appropriate strategy.

- 2.16 Greater flexibility of the wording with regard to SANG would, as demonstrated above, support the requirements of criteria b) and c) of Policy SP9 and would be justified as a more appropriate strategy. Furthermore, it would be consistent with national policy, enabling the delivery of sustainable development through cross-boundary working and complying with paragraph 114 of the NPPF with regard to “*planning positively for the creation, **protection**, enhancement and management of networks of biodiversity and green infrastructure*” (our emphasis).
- 2.17 Lastly, we do not consider that Policy SP9 is clear enough with regard to its wording on what it would consider to be ‘exceptional circumstances’ and ‘very significant benefits’. This has not been sufficiently quantified in Policy SP9 or the evidence base which informs the Local Plan.
- 2.18 We consider that with modifications that allow for greater flexibility with regard to SANG, the policy would be appropriate and justified. A suggested alternative wording is set out below:

Policy SP9

Proposals which create, maintain and enhance green infrastructure will be supported, particularly where they:

- a) encourage connectivity between different habitats and designated sites;
- b) provide opportunities for local communities to access open space and provide for healthy recreation; and
- c) relieve recreational pressure on internationally important nature conservation sites.

The Authority will work with other partners and adjoining authorities to develop green infrastructure, and to ensure the impacts of development both within and outside the National Park’s boundary do not adversely affect the landscape character of the National Park or the internationally important nature conservation designations.

*The suitability and provision of SANG within the National Park Authority boundaries as mitigation for development within and outside the National Park shall be considered on a site-by-site basis, taking into account any benefits for landscape, biodiversity and internationally designated sites within the National Park.* However, providing new Suitable Alternative Natural Greenspace (SANG) in the nationally protected landscape of the National Park as mitigation for development outside the National Park is not appropriate, and will only be considered in exceptional circumstances where very significant benefits for the landscape, biodiversity and internationally designated sites of the National Park can be clearly demonstrated.

### 3.0 CONCLUSION

3.1 In conclusion, for the reasons set out below, we do not consider the current wording of Policy SP9 to be sound.

- The current wording of the policy is **not justified** as *“the most appropriate strategy”* (paragraph 182 NPPF 2012), because in comparison to alternatives, such as consideration of SANG on a site-by-site basis, it does not allow flexibility for circumstances where large scale development is located on the border of the National Park, and is required to provide SANG to relieve pressure on SPAs both within and outside the National Park boundary.
- The New Forest District Council is under pressure to accommodate a significant housing need, including taking unmet need from the National Park and other neighbouring authorities. There are a number of development options that border the National Park, whose efficiency could be maximised through the provision of SANG within the Park boundary and housing development within the District boundary. To achieve this, flexibility is necessary to allow for benefits/enhancements, such as SANG, to be achieved on a site by site basis and enable as much housing and other needs to be met as possible across the wider area.
- The current wording is excessively restrictive and is not consistent with paragraph 114 of the NPPF which requires *“planning positively for the creation, **protection**, enhancement and management of networks of biodiversity and green infrastructure”* (our emphasis). The restrictive nature of this policy in its current form does not encourage positive planning for the protection of networks of biodiversity, as it restricts the use of SANG as alternative recreation space from the numerous local SPAs. A more flexible wording, requiring site-by-site consideration, would be more appropriate.

3.2 In addition to the above, the introduction of SANG into the National Park, where necessary, would contribute to the purposes of the National Park through protection of the wildlife within as well as opening up an area previously inaccessible to the public for their enjoyment, providing a public benefit. The current wording of the policy does not allow for flexibility in specific cases where a benefit can be gained from the provision of SANG, but the policy restricts it. Overall, in terms of conserving the National Park, there is no justification for such a restrictive policy as SANG would not conflict with the purposes of the National Park, as per the Environment Act 1995, or paragraph 115 of the NPPF 2012, which gives great weight to conserving and enhancing landscape and scenic beauty in National Parks.

**APPENDIX 1**

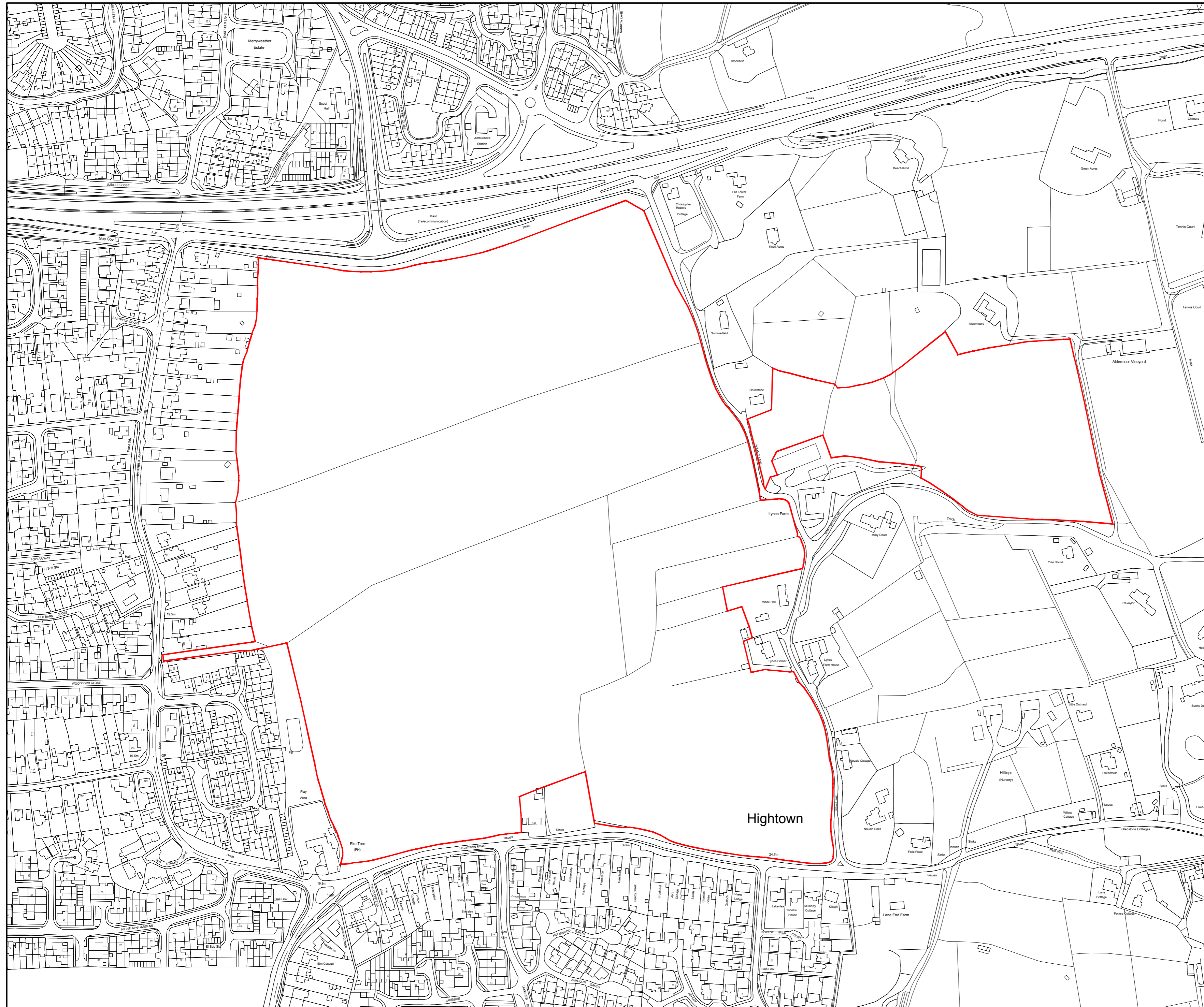
**Land To The North Of Hightown Road, Ringwood**

**Location Plan**

The scaling of this drawing cannot be assured

Revision B Site Boundary Update Date 11.04.18 Drn JW Ckd TL

Site Boundary



Project Land East & West of Nouale Lane, Ringwood  
Drawing Title Site Boundary



Date 18.11.15 Scale 1:2500@A2 Drawn by KD Check by TL  
Project No 23515 Drawing No RG-M-01 Revision B



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