

New Forest National Park Local Plan 2016 – 2036

Examination Statement – New Forest National Park Authority

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

Issue – Whether the spatial strategy is justified, effective and consistent with national policy?

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?

1. The presumption in favour of sustainable development is set out in paragraph 14 and footnote 9 of the NPPF (2012); and paragraph 11 and footnotes 5, 6 and 7 in the revised NPPF (2018). National policy is clear that in relation to Plan-making, the presumption in favour of sustainable development means that objectively assessed needs should be met, “...*unless specific policies in this Framework indicate development should be restricted.*” Footnote 9 of the NPPF (2012) confirms that this includes policies relating to National Parks.
2. The NPPG confirms that Local Plans should indicate how the presumption in favour of sustainable development will be applied locally, recognising that this will vary depending on the area covered by the development plan. Draft Policy SP1 sets out the Authority’s approach to sustainable development in the context of a nationally protected landscape – reflecting the whole of paragraph 14 and footnote 9 of the NPPF (2012). Adopted National Park development plans across the country include policies on the presumption in favour of sustainable development that reflect the statutory National Park purposes.
3. The English National Parks and the Broads: UK Government Vision and Circular (CD35) is cross-referenced within both the NPPF (2012) – footnote 25 to paragraph 115 - and the revised NPPF (2018) – footnote 54 to paragraph 172. Paragraphs 28 and 29 of the Circular confirm that, “*The Authorities’ primary responsibility is to deliver their statutory purposes. In doing so, they should ensure they are exemplars in achieving sustainable development... Within the Parks, conserving and enhancing the landscape, biodiversity, cultural heritage, dark skies and natural resources, and promoting public understanding and enjoyment of these should lie at the very heart of developing a strong economy and sustaining thriving local communities.*” This guidance, allied to the National Park purposes and national policy in the NPPF is reflected in draft Policy SP1.
4. Policy SP1 includes reference to enhancing the landscape of the New Forest; contributing positively to the built and historic environment of the National Park; and ensuring the integrity of habitats is protected. These policy references reflect the first statutory National Park purpose to conserve and enhance the natural beauty, wildlife and cultural heritage of the New Forest. The reference to the integrity of habitats in Policy SP1 is also consistent with paragraph 119

of the NPPF (2012), which confirms that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. Given that (i) over half the National Park is designated as being of international importance for nature conservation; and (ii) the HRA of the Submission draft Local Plan concludes that all residential development has the potential to affect the integrity of these sites, the wording in criterion (e) of SP1 is considered justified and consistent with national policy.

5. The Authority considers it to be fully justified that the strategic development plan policy on sustainable development reflects the legal framework for National Park and the national policy recognition that they are areas where a different approach to development is required. It is the statutory National Park purposes, enshrined in primary legislation, that guide development within the New Forest and this is reflected in draft policy SP1.

3.2 What is the basis for the overall spatial strategy and the broad distribution of development set out in Policy SP4? What options were considered and why was this chosen? Is it justified?

1. National policy confirms that in rural areas, development should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development. The penultimate bullet point in paragraph 17 of the NPPF (2012) identifies as a core planning principle to, “...*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.*” The National Park is a rural area with small, dispersed settlements, none of which have more than 3,500 residents, and the Local Plan therefore retains the well-established settlement hierarchy within the National Park, focusing the majority of development towards the most sustainable settlements while allowing development to meet local needs elsewhere.
2. The Local Plan’s spatial strategy is based around access to services, facilities, employment and transport links. The four defined villages are considered to be the most sustainable settlements within the National Park with the broadest range of services. Ashurst, Brockenhurst and Sway are served by the main railway line through the New Forest, as well as local schools and basic services. Lyndhurst is well served by public transport, supports a number of significant employers and has the widest range of retail provision in the National Park.
3. The spatial strategy also recognises the role of other smaller settlements in the National Park and the Local Plan supports the provision of affordable housing (SP28), employment opportunities (SP42) and essential community facilities (SP39) in settlements outside the Defined Villages. However, the character of these villages and their more limited services mean that settlement boundaries have not been established for them. Where appropriate, site specific allocations have been made elsewhere in the National Park (e.g. policy SP26 and SP26)
4. In reviewing the planning policies for the National Park, consideration was given to alternatives to the proposed settlement hierarchy and also the allocation of

housing sites in other settlements outside the defined villages. The Authority's consultation draft Local Plan (October 2016, CD171) for example, sought feedback on potential housing allocations in Cadnam and East Boldre, but these sites were removed from the Submission draft Local Plan following representations from Natural England. Similarly, the Authority undertook an additional public consultation in summer 2017 on potential alternative housing sites. However, the alternative development options in the National Park are significantly limited by the large parts of the New Forest covered by Natura 2000 designations which reduced the potential development areas.

5. As the settlement pattern is a key element of delivering sustainable development in the National Park, an assessment was completed as part of the Sustainability Appraisal process to test the preferred approach. The alternative approaches tested were: (a) removing all the settlement boundaries and have a criteria based approach for assessing applications across the National Park; and (b) extending the settlement hierarchy to include other larger villages with some basic services such as Landford, Burley and Cadnam.
6. Pages 68 – 73 in Appendix 5 of the Sustainability Appraisal (CD10) set out the assessment of alternatives for the spatial strategy. The conclusion of the Sustainability Appraisal of the draft Policy SP4 is that it scores positively for helping to deliver housing needs (SA Objective 7), improving the access and maintenance of services (SA Objective 6), supporting existing transport services (SA Objective 8), and using the most sustainable location for business development (SA Objective 9). In addition there are potential benefits in this approach for protecting the wider landscape and nature conservation elsewhere in the National Park (SA Objectives 1, 2). Overall, this approach is considered to be a more sustainable approach than Alternative (a) or Alternative (b).

3.3 Are the 'Defined Villages' set out in Policy SP4 appropriately defined? What is the basis for them?

1. The Defined Villages set out in Policy SP4 of the Local Plan are the same as those in the Authority's adopted Core Strategy (2010). The Defined Villages provides homes for around one third of all National Park residents and are considered to be the most sustainable settlements.
2. The defined village boundaries of Ashurst, Brockenhurst and Lyndhurst were established in 1986 and Ashurst in 1995 and the boundaries have remained unchanged since these dates. The Inspector's Report for the Authority's adopted Core Strategy (CD168) concluded that the Defined Villages are, "*...appropriate locations for the scale of housing proposed...the settlement hierarchy reflects national planning policies that are aimed at achieving sustainable development and protecting the character of the countryside.*" The Report also supported the continued use of the Defined Village boundaries as a planning tool to indicate where various policies applied, concluding that, "*...the development boundaries of the four defined villages continue the established practice within the New Forest of identifying the limits of these settlements. This approach is understood by the local communities and removing these boundaries could create uncertainty...*" – paragraph 26 - 27

3. As set out in the Defined Villages Boundary Review Background Paper (CD116), as part of the Local Plan review process the Authority undertook a review of the defined settlement boundaries. The settlement boundaries were assessed by officers from the Authority's Planning Policy, Development Control and Landscape teams, with site visits to all four settlements. Section 3 of CD116 sets out the methodology used in the settlement boundary review.
4. The review concluded that the use of defined settlement boundaries remained an appropriate planning tool in providing a clear distinction between the settlements and the surrounding National Park landscape. The Authority's Strategic Housing Land Availability Assessment (CD104) identifies a number of potential development sites within the Defined Villages and the four villages have the broadest range of services and transport links within the National Park. In addition to reviewing the settlement boundaries, the survey was an opportunity to identify potential development sites adjacent to the settlement boundaries. Although the Submission draft Local Plan does not propose amendments to the defined village boundaries, housing site allocations are proposed immediately adjacent to the existing boundaries in Ashurst, Lyndhurst and Sway. This policy approach ensures local infrastructure improvements are delivered alongside the new development.
5. In line with the conclusions of the defined villages workshops held in Spring 2016, the Submission draft Local Plan does not propose to extend the defined village settlement boundaries to include the proposed site allocations. Instead the proposed allocations are covered by site specific planning policies which provide more certainty for the Authority, landowners and local communities over the form of future development. Settlement boundaries can be extended to include allocations in future boundary reviews once they are developed.
6. Finally, a key factor in defining the settlement boundaries has been the proximity of the Natura 2000 sites in the New Forest. In many places these internationally important nature conservation designations abut the main villages, and in some cases extend into the settlements. Following clear advice from Natural England regarding the potential impacts from residential allocations within 400 metres of the New Forest Special Protection Area (SPA), the Authority has not, in principle, looked to extend settlement boundaries within this zone due to potential habitat conflicts. Given the nature of many of the villages and the proximity of the SPA, there is consequently reduced scope for any settlement boundary amendments.

3.4 *What is the scale of development planned in the Defined Villages?*

1. The Submission draft Local Plan proposes three site allocations adjacent to the Defined Villages. These are:
 - land at Whartons Lane, Ashurst: Policy SP22 (around 60 dwellings)
 - land at the former Lyndhurst Park Hotel: Policy SP23 (around 50 dwellings)
 - land south of Church Lane, Sway: Policy SP25 (around 40 dwellings).
2. These planned allocations amount to a total of 150 new dwellings. The defined village of Brockenhurst does not have any planned allocations, primarily due to

the significant areas at risk of flooding and the extensive nature conservation designations that cover the surrounding land.

3. Policy SP19 states that in addition to these proposed housing site allocations and the implementation of extant permissions within the defined villages, new residential development will also come forward on unidentified (windfall sites) under the policies in the Local Plan. Since the National Park was designated in 2005, windfall development has averaged 23 dwellings per annum and permissions continue to be granted for new residential development within the Defined Villages. Given the Local Plan's proposed settlement hierarchy (Policy SP4), a proportion of the windfall development (estimated at 20 dwellings per annum) will continue to come forward within the Defined Villages.

3.5 *Is the approach to development outside the Defined Villages set out in Policy SP4 appropriate and consistent with national policy?*

1. Policy SP4 continues the well-established spatial strategy and settlement hierarchy established in the adopted Core Strategy (CD167), while also supporting development elsewhere in the National Park. Land use allocations (e.g. policies SP25 and SP26) are proposed for settlements elsewhere in the National Park and Policy SP4 also confirms that appropriate development is supported in communities outside the Defined Villages.
2. Policy SP4 outlines that the Defined Villages are an appropriate focus for the majority of new development within the National Park. In accordance with national policy (e.g. paragraph 55, NPPF, 2012) they provide the broadest range of services, employment and transport accessibility. The Local Plan takes a more restrictive approach outside the defined villages, while still allowing local needs to be met. Paragraph 4.18 and Policy SP4 acknowledge the importance of rural communities outside the Defined Villages continuing to thrive. Policy SP4 therefore enables development outside the Defined Villages to support local community needs for affordable housing, employment development and local community facilities. This approach is then set out in more detail in policies SP39 on local community facilities, SP42 on employment development outside the defined villages; and SP46 on tourism development.
3. Paragraph 54 of the NPPF (2012), for example, states that in rural areas, local planning authorities should plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. The NPPG advises that, "*...all settlements can play a role in delivering sustainable development in rural areas...*", cross-referencing to paragraph 55 of the NPPF (2012), "*...and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided...*" This is reflected in criterion (a) of Policy SP4 and Policy SP28 on Rural Exception Sites which confirm that there is no blanket ban on development outside the Defined Villages.
4. Paragraph 55 of the NPPF (2012) sets out a range of special circumstances where local planning authorities may permit isolated homes in the countryside. These include the essential need for a rural worker to live permanently at or

near their place of work in the countryside and this national guidance is reflected in criterion (c) and (d) of Policy SP4.

5. Paragraph 55 of the NPPF (2012) also outlines the other special circumstances where isolated new homes in the countryside dwellings may be permitted, including where: (i) such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or (ii) where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or (iii) the exceptional quality or innovative nature of the design of the dwelling. All of the examples given in national planning policy relate to the special circumstances where proposals for isolated new dwellings may be supported. The Authority is content to rely on national planning policy as a material planning consideration in assessing the relatively limited number of proposals that could come forward in the future under these special circumstances.

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

1. National policy contained within paragraph 116 of the NPPF (2012) relates to major development in National Parks. In reviewing the local planning policies for the National Park, the Authority concluded that it was justified to have a local planning policy on major development within the revised Local Plan to ensure factors specific to the New Forest are considered alongside the national policy tests set out in the NPPF.
2. The NPPG confirms that whether a proposed development in a National Park should be treated as a major development, to which paragraph 116 of the NPPF applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context, Policy SP3 and the supporting text in paragraph 4.9 and 4.10 therefore seeks to define what major development is in the context of the New Forest National Park. The second paragraph of Policy SP3 mirrors the wording in paragraph 116 of the NPPF (2012).
3. The considerations listed in criteria (a) - (f) of Policy SP3 are based on the three criteria listed in paragraph 116 of the NPPF (2012), as well as reflecting the need to consider potential impacts (including cumulative, in-combination impacts) on the internationally protected habitats that make up over half of the National Park's land area. The submitted schedule of proposed main modifications include an amendment to SP3 (MAIN-11) to state:

“Consideration of such applications should include an assessment of:

- a) The need for the development, including in terms of any national considerations; **and the impact of permitting it, or refusing it, upon the local economy**
- ~~b) The impact on the local economy of permitting or refusing it;~~
- c) **The cost of, and** The scope for, developing outside the New Forest National Park, or meeting the need for it in some other way...”

4. The Authority considers that this proposed amendment ensures the wording of criterion (a), (b), (c) and (d) in Policy SP3 is fully consistent with national policy in paragraph 116 of the NPPF (2012).
5. Criteria (e) in the Submission draft Local Plan refers to impact on the special qualities of the National Park. The special qualities of the New Forest were defined following public consultation and are set out in Annex 1 of the Local Plan. Each National Park has unique special qualities and they are the qualities that define it and make it immediately recognisable. The second statutory National Park purpose requires relevant bodies to promote the understanding and enjoyment of the special qualities of the Park. It is therefore considered to be appropriate for reference to be made to them within Policy SP3.
6. The final criterion in Policy SP3 relates to the cumulative impact of development. This criterion is included in other recently adopted National Park development plans (e.g. Policy GP2 in the Exmoor National Park Local Plan 2011 – 2031, adopted 2017¹) and highlights the fact that the cumulative, in-combination impact of proposals on the nationally designated landscape and internationally designated habitats of the New Forest should be considered. Given the scale of development proposed in and around the New Forest National Park, the inclusion of criteria (f) is considered justified.

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. The Government's National Parks Circular (CD35) states that, "*The Authorities' primary responsibility is to deliver their statutory purposes. In doing so, they should ensure they are exemplars in achieving sustainable development, helping rural communities in particular to thrive...*" (paragraph 28). The Circular confirms that within National Parks, conserving and enhancing the landscape, biodiversity, cultural heritage, dark skies and natural resources, and promoting public understanding and enjoyment of these should lie at the very heart of developing a strong economy and sustaining thriving local communities.
2. Policy DP2 (General Development Principles) in the Authority's Submission draft Local Plan builds on the existing development management policy (DP1) contained within the adopted Core Strategy (CD167). This policy was found sound at the Core Strategy examination in late 2010 and has formed a key part of the statutory development plan over the last eight years.
3. In commencing the review of the local planning policies for the National Park in 2015, the Authority considered the effectiveness of the existing policy on general development principles and concluded it remained fit for purpose. Criteria (a), (d) and (e) in Policy DP2 of the Submission draft Local Plan remain unaltered from the equivalent criteria in the adopted development plan.

¹ See <http://www.exmoor-nationalpark.gov.uk/planning/planning-policy/local-plan>

4. Criteria (c) of Policy DP2 in the Submission draft Local Plan gives higher profile to the protection and enhancement of trees and the planting of native trees and hedgerows where appropriate. This new criteria has been inserted in Policy DP2 to highlight the importance of trees in the National Park landscape and their role in enabling development to be assimilated into the New Forest. The reference to the appropriate planting of native trees and hedgerows reflects the aims of the New Forest National Park Landscape Action Plan (CD32).
5. The additional reference to the protection of trees and native tree planting in criteria (c) of Policy DP2 is supported by the new wording in paragraphs 5.20 – 5.23 of the Submission draft Local Plan and the Authority’s Tree Guidance Leaflet (CD64). The Authority will seek to conserve and protect mature trees to maintain the local landscape character of the area and therefore the reference to protecting trees through new development in a nationally protected landscape is considered to be justified. Policy SP7 (Landscape Character) is a new policy in the Submission draft Local Plan and similarly makes reference to planting with native species and criteria (c) of Policy DP2 provides an appropriate hook in the general development principles for this more focused policy.
6. Criteria (f) of Policy DP2 in the Submission draft Local Plan is based on criteria (e) of Policy DP1 in the adopted Core Strategy (2010), but includes additional reference to air, soil and water pollution. This is considered to be appropriate and reflects the ecosystem services provided by the natural environment of the New Forest. The reference in criteria (f) of Policy DP2 to water also provide a hook for the more detailed planning policy on water resources (DP8).

3.8 *Does policy SP19 provide clear and effective guidance in terms of where new residential development will be permitted within the National Park?*

1. Policy SP19 sets out where new residential development will be permitted within the National Park. It identifies the main sources of new housing in the National Park, with criteria (a) – (e) covering site allocations, the implementation of extant permissions, the development of unidentified (windfall) development, rural exceptions sites, and specialist housing.
2. The Authority considers this policy wording to be sufficiently clear when read with the rest of the policies in the Local Plan. Policy SP4 (Spatial Strategy) for example, states that, “...*the principle of development within the Defined Villages settlement boundaries as defined on the Policies Map will be supported.*” This policy wording, allied to the wording in criteria (c) of Policy SP19 is considered to provide clear guidance.
3. Policy SP19 also includes policy cross-references to Policy SP28 Rural Exception Sites; and the respective housing policies for Commoners Dwellings (SP29), Estate Workers Dwellings (SP30), and tied agricultural dwellings (Policy DP31). This ensures the main policy on residential development (SP19) signposts the more detailed policies relating to specific forms of residential development.