

New Forest National Park Local Plan 2016 – 2036

Examination Statement – New Forest National Park Authority

Matter 6 – Protecting and enhancing the Historic and Built Environment

Issue – Whether the Local Plan is justified, effective and consistent with national policy in relation to the approach towards protecting and enhancing the historic and built environment?

6.1 *Is the approach to the historic and built environment set out at Policy SP16 appropriate, justified and consistent with national policy? Does it provide an effective framework for the consideration of development proposals? What is the Authority’s response to Historic England’s concerns?*

1. The New Forest National Park is a protected landscape in which sits numerous listed buildings, conservation areas and scheduled ancient monuments, which all help to make up the local character and distinctiveness of the area (see paragraph 2.6 and Chapter 6 of the Submission Draft Local Plan for more details). Conserving and enhancing the cultural heritage of the National Park is part of the first statutory purpose of National Parks as set out in the National Parks & Access to the Countryside Act 1949 (as amended by the 1995 Environment Act). The second statutory purpose relates to the understanding and enjoyment of the Park’s special qualities, which include the “*unique historic cultural and archaeological heritage*” (see Annex 1 of the Submission Draft Local Plan). This is reiterated in the English National Parks Circular (CD108) which emphasises that “*Cultural heritage and landscape are fundamental to quality of place and, as they are central to attractiveness, distinctiveness, diversity and quality of place in the Parks, should be protected and enhanced*” (paragraph 49). Therefore, it is both appropriate and justifiable to address the potential impacts of development on these features of the New Forest National Park.
2. A core principle of national policy, embodied in paragraph 17 of the NPPF, is to “*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*”. Additionally, paragraph 115 of the NPPF, emphasises that “*The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks*”.
3. Policy SP16 is consistent with national policy in supporting development proposals that protect, maintain or enhance the historic environment, thereby representing a “*positive strategy for the conservation and enjoyment of the historic environment*” (NPPF, paragraph 126). Historic England concur with this view, as set out in their representation on the Submission Draft Local Plan, where they state that “*We welcome and support, in principle, Policy SP16 as part of the positive strategy for conservation and enjoyment of, and clear strategy for enhancing, the historic environment of the Park required by*

paragraphs 126 and 157 of the NPPF....We consider Policy SP16 fulfils this requirement”..

4. In addition, there is a robust legislative framework including the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#), and the [Ancient Monuments and Archaeological Areas Act 1979](#), which set out statutory considerations for decision making.
5. The Authority considers that Policy SP16 and its accompanying text, taken together with the guidance in the NPPF and existing legislation, represents an effective framework for decision-making purposes as it sets out what is required from applicants as well as providing sufficient criteria to assess the impact of development proposals on heritage assets. This is based on the principle that national planning policy should not be reiterated in local plans.

Historic England Representation

6. In their representation to the Submission Draft Local Plan, Historic England in principle support Policy SP16 and conclude that it represents a clear and positive strategy, reflects the requirements of the NPPF, and is sound. However, they do make some comments on how the policy could be improved.
7. In particular one comment raised by Historic England (response 138/17/SP16) cites criterion (iv) of clause a) as it relates to development where there would be harm, whilst the rest of clause a) relates to supporting development that does not cause harm. The Authority recognises this may be confusing and recommends to the Inspectors a Main Modification (CD155, MAIN-04) to Policy SP16 which reflects Historic England’s comments that the policy be split into sub-sections:

Policy SP16

Delete criterion (iv) of clause a) and insert the following new criteria b) and c) in policy SP16:

b) Where development proposals will lead to substantial harm to, or total loss of significance of, a designated heritage asset, permission will be refused.

c) Where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be outweighed by the public benefits of the proposal.

Renumber the remaining criteria.

8. Whilst Historic England are content with Policy SP16 as a strategic policy for the historic environment their comments have also suggested that the Local Plan could include a detailed development management policy setting out how decision makers should react to a development proposal. The Authority considers that Policy SP16, together with primary legislation on listed buildings and conservation areas, and national planning policy, is sufficient to provide both applicants and decision makers with clear detailed information on the criteria for assessing the potential impact of development on the significance of all heritage assets, and to set out what information is required of applicants. Although Local Plans are encouraged to avoid repeating national policy, the supporting text to Policy SP16 does set out more information, reflecting national policy, on its implementation, particularly paragraphs 6.8, 6.12 and 6.15 to 6.17.
9. The Authority is also recommending to the Inspectors a Minor Modification (CD154, MIN-24) as set out below, which also helps to clarify the implementation of Policy SP16 with particular regard to archaeological assets, and in so doing addresses Historic England's comment relating to the need for clear information for applicants and decision makers.

Policy SP16

Add the following text to the end of paragraph 6.15: ***“Some archaeological assets may not be scheduled but are still nevertheless demonstrably of equivalent significance to scheduled monuments, and therefore will be subject to the policies for designated heritage assets, in accordance with the NPPF.”***

6.2 Are Policies SP17 and DP18 justified, effective and consistent with national policy? Do they provide an effective framework for the consideration of development proposals?

Policy SP17

1. One of the National Park's Special Qualities is its *“strong and distinctive local communities”* (Submission Draft Local Plan Annex 1). This recognises the particular sense of place and character within the New Forest, made up of such elements as the numerous listed buildings, conservation areas, ancient monuments and valued landscape features, together with the inherent characteristics and local distinctiveness of the individual New Forest villages.
2. The National Park's purposes, established in primary legislation, set out the main reasons for their designation, in particular that they should *“promote opportunities for the understanding and enjoyment of the special qualities of the New Forest by the public”*. In addressing this, Policy SP17 seeks to refuse development that would erode the character of the National Park. This is in line with the NPPF, which confirms that *“It is...proper to seek to promote or reinforce local distinctiveness.”* (NPPF paragraph 60).

3. Policy SP17 is identical in wording to Policy CP8 of the Authority's adopted Core Strategy (CD167). Evidence from the Authority's current and previous Annual Monitoring Reports, on the effectiveness of the Core Strategy's policies, indicate that a high proportion of planning applications have been refused on the grounds of 'creeping suburbanisation', where proposed development has not reflected the local context, or used inappropriate materials or design elements. Therefore, the erosion of local character continues to be an issue locally that should continue to be addressed by Policy SP17.

Policy DP18

4. The focus of Policy DP18 is to encourage development to respond to its context and make a positive contribution to the National Park through its design, scale, materials and layout. It does not discourage appropriate innovative design where it embodies the principles of good design.
5. This is in line with the NPPF which states that "*It is important to plan positively for the achievement of high quality and inclusive design for all development.*" (paragraph 57). Policy DP18 sets out the broad design principles for considering proposed development in the New Forest National Park, and reflects the NPPF by avoiding "*unnecessary prescription or detail*" (paragraph 59).
6. Criterion a) of Policy DP18 reflects the NPPF (Section 12), and is supported by Historic England in their representation on the Submission Draft Local Plan. Criterion b) reflects the police initiative 'Secured by Design', which supports the principles of 'designing out crime' through physical security and processes. It is also in line with paragraph 58 of the NPPF, which supports developments that "*create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion*". Criterion c) also reflects national policy on making development accessible (NPPF, paragraph 69).
7. Criterion d) reflects the English National Parks Circular (CD108), which states that although National Park 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). Criterion e) ensuring development responds to its context, which as a National Park will inevitably focus on consideration of impact on the landscape, one of the principal reasons for its designation.
8. Policy DP18 requires development to achieve "*the highest standards for new design*" thereby reflecting the fact that such development lies in a National Park context with the highest level of protection in relation to landscape and scenic beauty. Therefore, it is appropriate to ensure that development sitting within that landscape is of a design quality on a par with such protection.

9. The Authority considers that both Policy SP17 and DP18 are consistent with national policy by reflecting the NPPF, set within the context of a National Park and thus represent an appropriate approach to the issues of design and local distinctiveness, by responding to the local vernacular but not precluding appropriate innovative design.
10. In conclusion, the Authority considers that Policies SP17 and DP18 provide a justified and effective framework for decision-making purposes. Policy SP17 is identical to the wording of Policy CP8 of the Authority's adopted Core Strategy, and Policy DP18 is broadly similar to Policy DP6 of the Core Strategy. The current and previous Annual Monitoring Reports indicate that these policies have proven effective in refusing inappropriate development, and permitting appropriately designed development, and thus remain relevant and justified.