

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 10 OCTOBER 2019

SUPPLEMENTARY PLANNING DOCUMENTS (SPDs) – UPDATE

Report by: David Illsley, Policy Manager

1. Introduction

- 1.1 Local planning authorities can prepare Supplementary Planning Documents (SPDs) to add further detail to policies contained within the statutory development plan. The National Planning Policy Framework (NPPF, 2019) confirms that Supplementary Planning Documents can be used to provide further guidance for development on specific sites, or on particular issues, such as design.
- 1.2 The National Planning Practice Guidance (NPPG) section on ‘Plan-making’ provides further guidance on the role of Supplementary Planning Documents, stating:
 - SPDs should build upon and provide more detailed advice or guidance on policies in an adopted development plan.
 - As they do not form part of the development plan, they cannot introduce new planning policies into the development plan.
 - They are however a ‘material consideration’ in planning decision-making.

2. Supplementary Planning Documents in the New Forest National Park

- 2.1 Following the adoption of the first set of National Park-wide local planning policies in the form of the Core Strategy & Development Management Policies DPD (December 2010), the National Park Authority adopted a series of Supplementary Planning Documents to provide more detailed guidance on aspects of the Core Strategy. All the adopted Supplementary Planning Documents were produced in accordance with the relevant regulations, which are currently set out in Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.2 The process of consultation with statutory consultees and other interested parties, followed by consideration and adoption at a full National Park Authority meeting, gives weight to Supplementary Planning Documents and enables them to be material considerations in the assessment of individual planning applications. They are also referred to by the Planning Inspectorate in any appeal decisions made.
- 2.3 As outlined in paragraph 1.2 of this report, Supplementary Planning Documents should build upon and provide more detailed guidance on policies in an adopted development plan. Relevant planning case law¹ confirms that the weight afforded to Supplementary Planning Documents is based on the consistency with the policies in the development plan (the closer the consistency, the greater the weight afforded).

¹ For example R v Oxford City Council ex parte (1) JA Pye (Oxford) Ltd (2) Bellway Homes Ltd (3) Housebuilders Federation, 26 October, 2001 (High Court).

- 2.4 With the formal adoption of the new Local Plan in August 2019, there is a need to review the status of the adopted Supplementary Planning Documents to determine the weight they can be afforded in future planning decisions. This is due to the fact that the planning policy 'hooks' for the relevant Supplementary Planning Documents in the previous Core Strategy (2010) no longer form part of the statutory 'development plan' for the National Park.
- 2.5 Section 3 therefore reviews the adopted Supplementary Planning Documents; summarises the links in the newly adopted Local Plan 2016 – 2036; and sets out recommendations on the weight they should be afforded in future decision-making. If agreed, this information would then be included in a short addendum to each SPD.

3. Review of existing Supplementary Planning Documents

- 3.1 Details of the adopted Supplementary Planning Documents in the New Forest National Park can be viewed on the Authority's [Supplementary Planning Documents webpage](#). A total of ten SPDs have been formally adopted by the Authority since 2011, including seven Village Designs Statements prepared by local communities working alongside Authority officers. The tables below set out the recommendations on the future role of the various documents in planning decision-making.

<i>Guidelines for Horse-related Development SPD (adopted September 2011)</i>	
Main Core Strategy (2010) policy 'hooks'	Policy DP21: Recreational horse-keeping Policy DP22: Field shelters and stabling Policy DP23: Maneges
Main Local Plan (2019) policy 'hooks'	Policy DP51: Recreational horse-keeping Policy DP52: Field shelters and stabling Policy DP53: Maneges
Recommendation on future weight, with justification	The Local Plan (2019) policies on horse related development are consistent with those in the previous Core Strategy (2010). Given that the policy hooks are unaltered with the adoption of the new Local Plan, it is recommended that the <i>Guidelines for Horse-related Development SPD</i> continues to be given full weight as a material planning consideration. An addendum would update Annex 1 listing the relevant development plan policies to reflect the new Local Plan.

<i>New Forest National Park Design Guide SPD (adopted December 2011)</i>	
Main Core Strategy policy 'hooks'	Policy DP1: General development principles Policy CP5: Renewable energy Policy DP6: Design principles Policy CP7: The built environment Policy CP8: Local distinctiveness Policy DP9: Residential density in the defined villages Policy DP10: Replacement dwellings Policy DP11: Extensions to dwellings Policy DP12: Outbuildings

Main Local Plan (2019) policy 'hooks'	<p>Policy DP2: General development principles</p> <p>Policy SP14: Renewable energy</p> <p>Policy SP16: The historic and built environment</p> <p>Policy SP17: Local distinctiveness</p> <p>Policy DP18: Design principles</p> <p>Policy DP34: Residential character of the defined villages</p> <p>Policy DP35: Replacement dwellings</p> <p>Policy DP36: Extensions to dwellings</p> <p>Policy DP37: Outbuildings</p>
Recommendation on future weight and justification	<p>The Design Guide is one the key SPDs for the National Park. The Local Plan (August 2019) continues to place a strong emphasis on the importance of good design and reinforcing local distinctiveness. This is reflected in the range of relevant policies covering these areas and strategic objective 2 (page 23), which highlights the importance of conserving and enhancing the wealth of individual characteristics that contribute towards the local distinctiveness of the New Forest.</p> <p>Given the consistency between the new Local Plan (2019) policies and those in the previous Core Strategy (2010), it is recommended that the <i>Design Guide SPD</i> continues to be given full weight as a material planning consideration. An addendum would update the list of the relevant development plan policies (page 3 of the SPD) to reflect the new Local Plan (2019). It is acknowledged that the Design Guide SPD will require updating in due course and this will be reflected in the Authority's work programme and the work of the Building Design & Conservation team once it is back to full capacity.</p>

<i>Development Standards SPD (adopted September 2012)</i>	
Main Core Strategy policy 'hooks'	<p>Policy DP1: General development principles</p> <p>Policy CP1: Nature conservation sites of international importance</p> <p>Policy DP3: Open space</p> <p>Policy CP11: Affordable housing</p> <p>Policy DP15: Developer contributions and infrastructure provision</p>
Main Local Plan (2019) policy 'hooks'	<p>Policy DP2: General development principles</p> <p>Policy SP5: Nature conservation sites of international importance</p> <p>Policy DP10: Open space</p> <p>Policy SP27: Affordable housing within the defined villages</p> <p>Policy SP38: Infrastructure provision and developer contributions</p>
Recommendation on future weight and justification	<p><u>Section 2 and Annex 1: Parking and Cycle Standards:</u> The new Local Plan provides car and cycle parking standards in Annex 2. the guidance contained within Section 2 and Annex 1 of the Development Standards SPD has been superseded by the new development plan policies. It is therefore concluded that Section 2 and Annex 1 of the <i>Development Standards SPD</i> have no weight as a material consideration in future planning decisions.</p>

Section 3 and Annex 3: Affordable Housing: The new Local Plan affordable housing policy (SP27) states that, at the Authority's discretion, financial contributions in lieu of on-site affordable housing provision may be accepted on smaller sites. Annex 3 of the Development Standards SPD sets out the level of financial contribution towards affordable housing currently sought and there remains a legitimate role (and policy hook) for this. **It is recommended that Section 3 and Annex 3 of the *Development Standards SPD* continue to have weight as a material planning consideration in supplementing Policy SP27 in the Local Plan.**

Section 4: Sustainable Construction: This section supplemented Core Strategy Policy DP1 on sustainable construction and the Code for Sustainable Homes. In 2015 the Government announced changes meaning local authorities could no longer require compliance with the Code and the new Local Plan does not require compliance with the Code. With this strategic policy hook absent, **it is concluded that Section 4 of the *Development Standards SPD* has no weight as a material consideration in future planning decisions.**

Section 5 and Annex 4: Open space: Policy DP10 in the new Local Plan states that where there is an identified need, development should provide for the enhancement of existing open space, or provide on-site open space to the required standard. This approach is similar to the previous Core Strategy policy (DP3) and therefore Section 5 and Annex 4 continue to have a role in providing detail on the application of new policy DP10. **It is therefore recommended that Section 5 and Annex 4 of the *Development Standards SPD* continue to have weight as a material planning consideration in supplementing Policy DP10 in the Local Plan.**

Section 6 and Annex 5: Habitat Protection: Policy SP5 in the new Local Plan sets out the strategic approach to international nature conservation sites. The Habitats Regulations Assessment of the Local Plan could not rule out recreational impacts arising from new housing and visitor accommodation on various Natura 2000 sites. Paragraph 5.11 of the Local Plan confirms mitigation is required for these forms of development and Policy SP5 refers to the Authority's Habitat Mitigation Scheme. This scheme is currently set out in Annex 5 of the Development Standards SPD and the Authority has committed to updating the scheme. A draft of the revised mitigation scheme was published for consultation in 2018 and this work will be progressed now the new Local Plan has been adopted. In the meantime, **it is recommended that Section 6 and Annex 5 of the *Development Standards SPD* continue to have weight as a material planning consideration in supplementing Policy SP5 in the Local Plan.**

An addendum to the Development Standards SPD would be inserted to update the policy references to reflect the new Local Plan (2019).

<i>Village Design Statements for Wellow, Landford, Hyde, Ashurst & Colbury, Boldre, Sway and Hordle (adopted between March 2011 and January 2015)</i>	
Main Core Strategy policy 'hooks'	Policy DP6: Design principles Policy CP7: The built environment Policy CP8: Local distinctiveness
Main Local Plan (2019) policy 'hooks'	Policy SP16: The historic and built environment Policy SP17: Local distinctiveness Policy DP18: Design principles
Recommendation on future weight and justification	<p>To date the Authority has formally adopted seven Village Design Statements as Supplementary Planning Documents. The VDSs provide more locally specific design guidance to supplement the development plan policies and the Park-wide supplementary guidance contained within the Design Guide SPD (2011).</p> <p>Given the continued emphasis on reinforcing local distinctiveness and good design within the new Local Plan (2019), there continues to be a strategic policy hook for the production of local design guidelines. It is therefore recommended that the seven adopted Village Design Statements in the National Park continue to be given weight as material planning considerations. It is recognised that across the seven adopted VDSs there may be aspects that may require updating to reflect the new Local Plan policies; and the weight given to the adopted VDSs by the decision-maker will be proportionate to the consistency with the policies in the new Local Plan (2019).</p>

4. Conclusions

- 4.1 National planning policy in both the NPPF and NPPG continues to recognise the role of Supplementary Planning Documents in providing further detail on policies within the adopted development plan. The weight afforded to Supplementary Planning Documents by the decision-maker (whether that is National Park Authority officers for delegated decisions, members of the Planning Committee or the Planning Inspectorate) is proportionate to the degree of consistency between the supplementary guidance and the statutory development plan policies.
- 4.2 The adoption of the new Local Plan 2016 – 2036 at the end of August 2019 means it is necessary to assess the links with the previously adopted Supplementary Planning Documents. Section 3 of this report concludes that in the majority of cases the documents can continue to be given weight as material considerations due to the consistency of the policy 'hooks' in the new Local Plan 2016 – 2036 compared to the policies in the former Core Strategy (2010) that they originally supplemented.
- 4.3 It is therefore recommended that a short addendum is prepared for insertion within each of the relevant Supplementary Planning Documents setting this out to inform future decision makers of the Authority's position.

- 4.4 The review also highlights a limited number of areas where elements of the Supplementary Planning Documents are no longer clearly linked to policies in the new development plan for the National Park. In these cases it is again recommended that this is set out clearly in the addenda to be inserted at the front of each Supplementary Planning Document. For the documents that are solely under the Authority's control to review – for example the Design Guide SPD and the Development Standards SPD - the Authority's future programme sets out the timetable and resources required to undertake the revisions. For example, under objective 1.2.1 of the Authority's Business Plan 2018 – 2021 (to '*provide a long-term planning vision for the National Park informed by the special qualities*') there is a commitment to have reviewed and updated the Design Guide SPD by 2021.

Recommendations:

- (i) **Members endorse the conclusions highlighted in bold in Section 3 of this report regarding the weight to be afforded to the respective Supplementary Planning Documents in future decision making.**
- (ii) **Members support the principle of inserting a brief addendum in the front of each of the relevant Supplementary Planning Documents setting out the conclusions of this review to inform future decision makers.**

Papers:

NFNPA 585/19: Cover paper