

NEW FOREST NATIONAL PARK AUTHORITY

NFNPA 580/19

AUTHORITY MEETING – 29 AUGUST 2019

NEW FOREST NATIONAL PARK LOCAL PLAN 2016 – 2036: FORMAL ADOPTION

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1. Introduction

- 1.1 The Government places development plans at the heart of the planning system, with a legal requirement that planning decisions must be taken in line with the adopted development plan unless material considerations indicate otherwise. In a National Park context, the Local Plan is a vital tool in helping to deliver the statutory purposes and related socio-economic duty. The Local Plan sets out the planning framework for the National Park, including the scale and location of new development.
- 1.2 Work on the review of the adopted planning policies for the National Park commenced in 2015 and section two of this report summarises the various stages of consultation undertaken. The Local Plan 2016 – 2036 has been prepared within the framework established by the *National Parks & Access to the Countryside Act 1949* and has been assessed against the National Planning Policy Framework (2012).
- 1.3 One of the ‘soundness’ tests set out in paragraph 182 of the NPPF (2012) includes whether the Local Plan is justified and based on proportionate evidence. The Local Plan is therefore supported by a robust evidence base which includes the following:
 - *Sustainability Appraisal / Strategic Environmental Assessment:* The assessment tested the proposed Local Plan policies against a series of sustainability criteria.
 - *Habitats Regulations Assessment:* Assessed the potential effects of the Plan on protected nature conservation sites, in accordance with recent case law.
 - *Strategic Housing Land Availability Assessment:* A technical report providing evidence of housing land availability. The SHLAA does not itself allocate sites.
 - *Strategic Flood Risk Assessment:* Informed decisions on the location of development and the preparation of policies for the management of flood risk.
 - *Business needs and commercial property market assessment:* Evaluated the likely future need for business land and premises in the National Park.
 - *Whole Plan, affordable housing & CIL-viability assessment:* Demonstrated that the Local Plan policies and allocations are deliverable and development is viable.
 - *Objectively Assessed Housing Needs Assessment:* Defines the full objectively assessed need for housing – the starting point for considering housing policies.
 - *Fawley Waterside Viability Appraisal Report:* A high-level assessment of the viability of the Fawley Waterside site utilising alternative development scenarios.

2. Public consultation

- 2.1 The relevant Regulations require planning authorities to undertake two statutory stages of public consultation prior to the formal submission of their draft Local Plan to the Secretary of State for independent examination. The Authority’s adopted Statement of Community Involvement (2013) also includes various commitments on how the public and other stakeholders will be consulted during Plan-preparation.
- 2.2 Set out below is a summary of the main stages of public consultation that have been undertaken prior to the presentation of the final Local Plan 2016 – 2036 for adoption.

Plan Making stage	Consultation undertaken
Regulation 18 Consultation on scope and main issues Autumn 2015	A Scoping Paper was published for a 6-week public consultation between September – October 2015. Responses received from 61 organisations, groups and individuals. This consultation was followed by a series of topic-based workshops held in Spring 2016 with key stakeholder groups and all neighbouring planning authorities.
Consultation on non- statutory draft Local Plan Autumn 2016	A detailed, non-statutory draft Local Plan was published for an 8-week period of public consultation in October 2016. Four public drop-in sessions were held between October - November 2016. Responses were received from 384 individuals and organisations during this consultation.
Consultation on Potential Alternative Housing Sites Summer 2017	6-week non-statutory public consultation on potential alternative housing sites to inform the preparation of the Regulation 19 draft Local Plan. Three public drop-in sessions were held in July 2017. Responses were received from 57 individuals and organisations.
Regulation 19 Consultation on Submission draft Local Plan January 2018	The final 6-week public consultation ran from 17 January 2018 – 28 February 2018. Everyone who had engaged in the Local Plan-making process since Autumn 2015 was directly notified of the final consultation period on the Submission draft Local Plan. 645 representations were received, made by a total of 188 respondents.
Consultation on proposed Ashurst Hospital site policy January 2019	Following the Examination hearing sessions in November 2018, a further 6-week public consultation on the proposed Ashurst Hospital site policy was undertaken between January – February 2019. Responses were received from 29 individuals and organisations during the consultation period.
Consultation on proposed main modifications April 2019	Following the close of the Examination hearing sessions, a final 6-week public consultation focused on the proposed main modifications to the Submission draft Local Plan. Responses were received from 18 individuals and organisations and these were submitted to the Government-appointed Planning Inspectors for their consideration.

- 2.3 The Authority has complied with the requirements of the relevant Regulations and its own Statement of Community Involvement in the preparation of the Local Plan 2016 – 2036. Further details of the consultation undertaken at each of the stages outlined above can be found in Consultation Statement that accompanied the Submission draft Local Plan. The representations received were taken into account in the drafting of the Local Plan and helped to strengthen the revised planning policies. Authority members have also been engaged in the Plan-making process through the informal workshops held in 2016 and 2017, as well as the consideration of draft versions of the Local Plan at each of the key stages at full Authority meetings.

3. Independent Examination

- 3.1 In May 2018 the draft Local Plan 2016 – 2036, supporting documents and all of the representations received during the final six-week public consultation held in early 2018 were submitted to the Secretary of State for independent examination. The examination started as soon as the draft Local Plan was submitted and concluded when the final Inspectors' Report to the Authority was issued on 24 July 2019.
- 3.2 The role of the independent examination is to assess whether the draft Local Plan has been prepared in line with the relevant legal requirements (including the duty to cooperate) and whether it met the tests of 'soundness' contained in the NPPF (2012). The timetable for the examination was in the hands of the two Government-appointed Planning Inspectors and it was the Inspectors who chaired the hearing sessions held in November 2018 and March 2019, as well as agreeing the list of participants. A total of eight hearing days were held as part of the examination process, with around 25 separate organisations and individuals invited to participate.
- 3.3 The final Inspectors' Report was received by the Authority on 24 July 2019. In accordance with Regulation 25 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the Authority formally notified all statutory consultees and others who had engaged in the Local Plan review process since 2015 that the Report has been received and where it could be viewed. The Report is provided in full in Annex 1 and set out below are the main headlines.

(i) *Duty to Cooperate*

- 3.4 The duty to cooperate was introduced by the Localism Act 2011 and places a legal duty on local planning authorities in England to engage constructively, actively and on an ongoing basis to maximise the effectiveness of plan preparation in the context of strategic cross-boundary matters. This is a legal duty that must be fulfilled in preparing the Local Plan and any failure in this regard cannot be rectified after the Plan has been submitted for examination.
- 3.5 Paragraphs 10 – 19 of the Report conclude the Authority, "*...has demonstrated constructive, active and ongoing engagement with local authorities and relevant organisations on strategic matters. The issues have been resolved effectively and there are no concerns from these authorities and organisations regarding the duty to cooperate. We therefore conclude that the Authority has complied with the duty to cooperate.*" This conclusion that the Authority has met its legal duties is welcomed.

(ii) Whether the Spatial Strategy is justified and consistent with national policy

- 3.6 Policy SP4 identifies Ashurst, Brockenhurst, Lyndhurst and Sway as ‘Defined Villages’ where development within settlement boundaries will be supported in principle. The Report concludes that this approach is justified by evidence in relation to the size of settlements, services and the environmental constraints that exist; and that the settlement boundaries are appropriately defined (paragraph 24). The Report also supports the principle of allocating sites adjacent to the Defined Villages and allowing for windfall development within the Defined Villages (paragraph 25).

(iii) Whether the Local Plan has been positively prepared and is consistent with national policy in relation to the provision of housing

- 3.7 The Report acknowledges the inherent difficulties in identifying the Objectively Assessed Need (OAN) for housing in the National Park, given that data is not typically aligned to Park boundaries. With the national house building agenda there was considerable focus on this issue at the Examination hearing sessions. Paragraphs 29 – 47 of the Inspectors’ Report outline the matters discussed and conclude that, “...overall, the 2017 OAN Study provides a robust and credible assessment for the National Park and we therefore conclude that the OAN for the National Park is 63 dwellings per annum (1,260 dwellings between 2016 – 2036).”
- 3.8 Members will be aware that for the first time since the National Park was designated in 2005, the new Local Plan proposes a limited number of housing site allocations to address the identified local housing needs. The Inspectors’ Report confirms that the Authority carried out a comprehensive and robust search for potential housing sites through the Strategic Housing Land Availability Assessment (SHLAA), but that there are a number of constraints which limit the potential to identify suitable housing sites, including the landscape and habitat designations covering the New Forest.
- 3.9 Authority officers justified the approach taken to identifying housing sites at the Examination hearing sessions. It is therefore encouraging that the Inspectors’ Report concludes, “...we are satisfied that the Authority has rigorously and comprehensively sought to identify all sources of housing land within the context of the significant and fundamental constraints that exist. It is justified in concluding that approximately only 800 dwellings can be delivered within the Plan period.” (paragraph 55). This planned level of development equates to circa 64% of the full OAN housing need identified.

(iv) Whether the Local Plan is justified and consistent with national policy in relation to the protection of the natural environment

- 3.10 The role of planning policies seeking to protect the natural environment of the New Forest is key to the delivery of the first statutory National Park purpose and forms an important component of the new Local Plan. Policy SP5 for example, aims to protect nature conservation sites of international importance and provides the strategic policy ‘hook’ for the Authority’s work on mitigating the impacts of development on the New Forest and coastal Natura 2000 sites. The Inspectors’ Report supports Policy SP5 and also sets out a main modification to Policy SP6 to ensure the consideration of the mitigation and enhancement measures needed to achieve a net gain in biodiversity at an early stage in the planning application process (paragraph 59).

- 3.11 The revised Local Plan includes a new policy (SP7), not within the adopted Core Strategy, on landscape character which cross-references the Landscape Character Assessment. This policy was supported by the Inspectors as providing a justified and effective basis for conserving the landscape and scenic beauty of the National Park.
- 3.12 The policy approach to the provision of Suitable Alternative Natural Greenspace (SANG) as mitigation for development outside the National Park attracted representations during the Regulation 19 consultation. The matter was discussed during the Examination and paragraph 62 of the Report concludes, “... *whilst SANG may be compatible with the socio-economic duty; it is not necessarily compatible with the first purpose... Furthermore, the cumulative effect of SANG provision around the boundary of the National Park could result in the erosion of the quality of the natural landscape on the edges of the National Park. Moreover, the Sandford principle states that where there is a conflict between the National Park purposes the Authority shall attach greater weight to conserving and enhancing the natural beauty, wildlife and cultural heritage.*” The Inspectors’ Report therefore considers the approach taken in Policy SP9 to be justified and consistent with national policy.
- (v) *Whether the Local Plan is justified and consistent with national policy in relation to housing policies*
- 3.13 The proposed housing policies were a key focus of the Examination, including the new policies on specialist housing for older people; the size of dwellings; and housing outside the Defined Villages. The Government’s National Parks Circular (2010) recognises that National Parks are not suitable locations for unrestricted housing and this national policy framework justifies the local approach taken.
- 3.14 The Inspectors’ Report supports Policy SP20, which seeks to meet the growing need for housing for older people and restricts occupancy to local people. This approach is consistent with the Authority’s legal duty to foster the socio-economic well-being of local communities within the National Park, rather than catering for external needs.
- 3.15 Policy SP21 - which restricts new dwellings to a maximum total internal habitable floor area of 100 square metres - is a new policy from the adopted Core Strategy which responds to the profile of the existing dwelling stock in the National Park and the identified local need for smaller dwellings. Paragraphs 75 – 81 of the Inspectors’ Report summarise the justification for the policy, with the Inspectors concluding that the approach is “*simple and effective*” (paragraph 80). The Inspectors also agreed that to ensure the benefits of the size limit are not eroded over time, it is necessary to provide for the withdrawal of permitted development rights.
- 3.16 The Inspectors’ Report (paragraphs 82 – 87) also supports the proposed planning policies on commoners’ dwellings (Policy SP29); Estate worker dwellings (Policy SP30); and agricultural and forestry workers’ dwellings (Policy SP31).
- (vi) *Whether the Local Plan is justified and consistent with national policy in relation to the approach towards affordable housing*
- 3.17 The provision of affordable housing for local people is a significant issue and the new Local Plan adopts a range of approaches to increase delivery. These include

the allocation of housing sites (where on-site affordable housing would be provided); a continuation of the policy support for rural exceptions sites; and seeking a lower site size threshold for on-site provision. The Inspectors' Report recognises it would be unrealistic to expect the identified affordable housing need in the National Park (circa 70 dwellings per annum) to be met in full, but that it is important the Local Plan seeks to maximise affordable housing provision wherever possible.

- 3.18 The Inspectors' Report concludes that a site size threshold below that set out in national policy is appropriate within the context of the National Park. This is subject to main modification MM17, which clarifies that the viability of a particular scheme within the Defined Villages and/or on allocated sites will be taken into account when considering the precise amount and tenure mix of affordable sought. This main modification is required by the Inspectors to ensure consistency with national policy.

(vii) Whether the proposed housing site allocations are justified

- 3.19 The Local Plan proposes a limited number of housing site allocations in the National Park for the first time since its designation in 2005. The Inspectors' Report recognises that the Authority carried out a comprehensive and robust search for potential housing sites. Paragraphs 103 – 155 of the Inspectors' Report review the proposed housing site allocations, as summarised below:

<i>Proposed Site Allocation</i>	<i>Summary of Inspectors' Recommendations</i>
Whartons Lane, Ashurst (Policy SP22)	The site is well contained visually and development would have a limited impact on the wider landscape and would not significantly affect the overall character of Ashurst. The site is well related to local services and can be accessed safely. Main Modification 11 would ensure the issue of surface water flooding is addressed.
Former Lyndhurst Park Hotel (Policy SP23)	The policy justifiably seeks to retain the historic elements of the building, while also providing flexibility to allow for alternative forms of development. Main modification 12 is necessary to ensure the policy is effective in requiring a Transport Assessment given the proximity of the Lyndhurst Air Quality Management Area.
Land south of Church Lane, Sway (Policy SP24)	The site relates well to the existing built development and within a short walk of a range of services. The site is visually enclosed by hedgerows and trees. The Highway Authority (HCC) confirms the development would not affect highway safety. Main modification 13 is necessary to ensure the policy provides some flexibility on the number of dwellings to be provided and the affordable housing target.
Land adjacent to Fawley Power Station (Policy SP25)	See next section
Land at Calshot Village (Policy SP26)	Calshot is not identified as a Defined Village and the allocation would therefore be contrary with the overall spatial strategy. The village is situated in an isolated position and facilities are very limited. The village is not a sustainable location for

	residential development on this scale. The proposed allocation is not justified and main modification 15 therefore deletes the allocation and Policy SP26 from the Plan.
Ashurst Hospital (New policy)	It is important that the provision for housing is maximised and the Ashurst Hospital site provides the opportunity to make effective and efficient use of previously developed land adjacent to a Defined Village. Significant parts of the site will be available for redevelopment over the Plan period and concerns over access arrangements have been resolved. Main modification 16 adds the site allocation at Ashurst Hospital and associated policy to the Local Plan.

(viii) Land adjacent to the former Fawley Power Station

- 3.21 There is a shared agreement between all the relevant parties that the proposed allocation / development of land adjacent to the former Fawley Power Station site and within the National Park represents major development and this view was shared by the Local Plan Inspectors. The tests in paragraph 116 of the NPPF (2012) are therefore triggered and paragraphs 120 – 138 of the Report sets out the Inspectors’ consideration of these national policy tests.
- 3.22 The Inspectors concluded that the development would make a significant contribution to meeting identified housing needs in the New Forest, as well as bringing significant economic benefits at a local and regional scale. The Viability Report commissioned by the National Park Authority and New Forest District Council in 2017 concluded that land was required within the National Park to support a viable, comprehensive redevelopment of the site. The Inspectors noted that the redevelopment of the site would remove the harmful landscape and visual impact of the power station buildings and replace them with a more appropriate built form.
- 3.23 Paragraphs 133 – 138 summarise the Inspectors’ conclusions on draft Policy SP25. They support the allocation as providing an opportunity to replace the large scale, industrial structures with a more appropriate built form, thereby reducing the impact on the National Park. The landownership provides the opportunity to moderate the impacts of development on the landscape, biodiversity and habitats of the site and the SANG provides the opportunity to achieve net biodiversity gain. The Inspectors conclude by stating, “...in this case there are exceptional circumstances to justify the proposed major development within the National Park and it has been demonstrated that it is in the public interest...the allocation is justified, effective and consistent with national policy.” (paragraphs 135 and 138).

(ix) Whether the Local Plan has been positively prepared and is consistent with national policy in relation to the approach to the local economy

- 3.24 The evidence base for the Local Plan indicates there is realistic future demand for 600 – 900 square metres of new B Use Class employment floorspace per annum within the National Park. The Local Plan does not allocate employment land but instead relies on windfall development and the change of use of existing buildings,

guided by a set of criteria-based policies. The Inspectors' Report states there is no evidence to suggest that the rate of employment development would slow down in the future, or that the policy approach taken in the Local Plan would stifle economic growth (paragraph 166). The Plan's approach of relying on windfall development to meet the employment land requirement is therefore considered to be reasonable and justified within the context of a nationally protected landscape.

- 3.25 Policy DP47 takes a restrictive approach to the provision of new campsites and extensions to existing holiday parks and this proposed approach was discussed at the hearing sessions in November 2018. Authority officers justified this policy stance and it is therefore encouraging that the Inspectors' Report supports the Authority's position, recognising that the New Forest is already well supplied by camping and caravanning bed spaces and highlighting the significant impact such development can have on the landscape of the National Park.
- 3.26 Policy DP49 allows for the re-use of buildings outside the Defined Villages subject to a range of criteria, with criterion (b) limiting the residential use of such buildings. The conformity of this proposed policy approach with paragraph 55 of the NPPF (2012) was discussed in detail at the Examination hearing sessions. The Authority's position was supported by the Inspectors, who concluded that the more enabling policy approach of allowing the re-use of buildings for residential uses promoted by a number of participants, "...*would usually result in the creation of a domestic curtilage with hardstanding and associated paraphernalia which would have a significant impact on the landscape character of the National Park...residential use of redundant buildings outside the Defined Villages would be contrary to the overall spatial strategy and result in the creation of additional car-based trips.*" (paragraphs 176 – 177). The Inspectors' Report therefore supports the more restrictive policy approach as being justified within the context of the National Park (paragraph 177).

4. Adoption

- 4.1 Following receipt of the Inspectors' Report the Authority must now either formally adopt the Local Plan, or effectively withdraw it and recommence consultation. Given the significant body of work undertaken since the review commenced in 2015 and the receipt of a positive Inspectors' Report, it clearly makes sense to formally adopt the Plan. This must be done at a full Authority meeting, as required regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
- 4.2 Annex 2 of this paper sets out the final version of the Local Plan 2016 – 2036, incorporating all the Main Modifications recommended in the Inspectors' Report. This paper recommends that members formally adopt the new Local Plan and delegate to the Executive Director Strategy & Planning, in consultation with the Chair of the Authority, to make any minor changes to the text considered appropriate prior to publication. On formal adoption of the Local Plan 2016 – 2036, the policies within the Core Strategy & Development Management Policies DPD (December 2010) will be superseded and will no longer form part of the statutory 'development plan' for the National Park. On adoption, the Authority must also make publicly available a copy of the Plan, an adoption statement and Sustainability Appraisal in line with the Town and Country Planning (Local Planning) (England) Regulations 2012.

- 4.3 Copies of the adopted Local Plan will be printed and distributed to all Town and Parish Councils within the National Park and other relevant stakeholders. The Authority has also arranged training sessions for members and Town and Parish councillors on the revised Local Plan and new policy approaches in September 2019.

5. Conclusions

- 5.1 The receipt of a sound Inspectors' Report is a positive endorsement of the Authority's work and a major milestone, 14 months after the submission of the draft Plan for examination. The preparation of the revised Local Plan has been undertaken within the challenging context of continuing reforms to national planning policy and an increasing emphasis on addressing identified development needs. The new Local Plan proposes several new policy approaches compared to the adopted Core Strategy and many of these new policies were robustly challenged at the Examination hearing sessions held in late 2018 and early 2019.
- 5.2 The independent examination of the draft Local Plan gave a wide range of organisations and individuals the opportunity to share their views on the aims, objectives and policies. The final Local Plan (Annex 2) is itself strengthened by the independent scrutiny undertaken through the examination process. The Authority's approach to addressing identified housing needs; the delivery of affordable housing for local people; and the conservation and enhancement of the New Forest's rich built and natural environment have been supported through the examination.
- 5.3 The formal adoption of the Local Plan means the Authority will have an up-to-date policy framework in place to guide future planning decisions within the National Park.

Recommendations:

- (i) **Members note the content of the Inspectors' Report (Annex 1) and the overall conclusion that the New Forest National Park Local Plan 2016 – 2036 provides a sound and appropriate basis for the planning of the National Park, subject to a number of main modifications;**
- (ii) **The New Forest National Park Local Plan 2016 – 2036 (Annex 2) be formally adopted and brought into immediate effect to form part of the statutory 'development plan' and the basis for planning decisions within the National Park. The Local Plan 2016 – 2036 will supersede in full the policies within the Core Strategy & Development Management Policies DPD on adoption; and**
- (iii) **Members delegate to the Executive Director Strategy & Planning, in consultation with the Chair of the Authority, to make any minor changes to the text considered appropriate prior to publication.**

Papers:

- NFNPA 580/19:** Cover paper
Annex 1: Inspectors' Report (24 July 2019)
Annex 2: New Forest National Park Local Plan 2016 – 2036 – final consolidated version for adoption (incorporating the required main modifications)