

AM 675/24

NEW FOREST NATIONAL PARK AUTHORITY

NATIONAL PARK AUTHORITY MEETING – 21 MARCH 2024

NEW FOREST NATIONAL PARK LOCAL PLAN REVIEW

Report by: David Illsley, Policy & Conservation Manager

Summary

All planning authorities are legally required to prepare local plans to guide decisions on planning applications in their areas; and to keep them up-to-date. National Park Authorities are the sole statutory planning authorities for their respective areas and we are required to review the adopted New Forest National Park Local Plan (2019) under the Town and Country Planning (Local Planning) (England) Regulations 2012. The review undertaken by officers has concluded that a partial review of the New Forest National Park Local Plan (2019) should commence to ensure the National Park continues to be covered by up-to-date local planning policies that are consistent with the latest national policy and guidance.

Recommendation:

Members resolve to commence a partial review of the adopted New Forest National Park Local Plan (August 2019) and delegate authority to officers to carry out all actions as necessary in this regard; and note that a revised Local Development Scheme will be presented at the Authority meeting in July 2024.

1. Introduction

- 1.1 Government policy recognises that the town and country planning system is a key instrument in the achievement of the two statutory National Park purposes and related socio-economic duty. The extant [National Parks Circular](#) – cross-referenced in both the National Planning Policy Framework (December 2023) and the accompanying National Planning Practice Guidance (NPPG) states, ‘...planning legislation has a major impact on the form and location of development, is a vital tool for managing the impact of development on landscape and biodiversity and a key part of conserving and enhancing cultural heritage, including the built heritage in [National] Park settlements...For these reasons Government has made the national park authorities the sole local planning authorities for their areas under section 4A of the Town and Country Planning Act 1990.’
- 1.2 All planning authorities – including national park authorities - must prepare a local plan which sets planning policies for their area. Section 4A of the Act gives national park authorities the statutory responsibilities of the local planning authority for their respective areas, including plan-making, development management and minerals & waste planning functions. The first National Park-wide plan (the New Forest National Park Core Strategy & Development Management Policies DPD) was adopted in December 2010 and the current National Park Local Plan was adopted in August 2019.
- 1.3 The adoption of the New Forest National Park Local Plan (2019) followed extensive consultation and a 15-month independent examination in 2018/19. The Local Plan

forms a key element of the statutory ‘development plan’ for the New Forest National Park. Recent amendments introduced through the Levelling Up & Regeneration Act 2023 require planning decisions to be made in accordance with the development plan unless material consideration strongly indicate otherwise (Section 92).

- 1.4 We monitor the performance of the adopted local planning policies for the National Park through our [Annual Monitoring Reports](#), with the last report endorsed by the Authority’s Planning Committee in February 2024. For example, since the adoption of the Local Plan in August 2019, all the housing site allocations have come forward as planning applications and have either full planning permission or have Planning Committee resolutions to grant subject to the completion of the accompanying legal agreements.

2. Requirement to keep local plans up to date

- 2.1 Chapter 3 of the revised National Planning Policy Framework (NPPF, December 2023) sets out the national policy approach to plan-making. In re-affirming the role of the development plan in the ‘plan-led system’, paragraph 33 of the Framework states, ‘...policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should take into account changing circumstances affecting the area, or any relevant changes in national policy.’
- 2.2 The NPPF’s requirement to undertake a review of the policies in local plans at least every five years is consistent with the legal requirement for the review of local plans set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.3 As the New Forest National Park Local Plan was formally adopted in August 2019, the National Park Authority is required to assess whether the policies in the Plan require updating by August 2024. It is important to note that planning authorities can legitimately conclude that an adopted local plan remains fit for purpose and consistent with the most up-to-date national planning policy. Similarly planning authorities can also conclude that following their assessment the local plan requires a partial review of specific policies, but that other sections do not need to be reviewed.
- 2.4 Officers have used the toolkit prepared by the [Planning Advisory Service](#) to assist in undertaking a review of New Forest National Park Local Plan policies to assess whether they need updating (either in full or partially). Part 1 of the assessment is set out in Appendix 1 to this report and is designed to be used as evidence to support a formal decision of the Authority as to why a partial update to the plan is being pursued.
- 2.5 The initial review undertaken by officers has concluded that a partial review of the New Forest National Park Local Plan (2019) should be commenced to ensure that the National Park area continues to be covered by up-to-date local planning policies that are consistent with current national policy and guidance.

3. Requirements of National Planning Policy, Guidance and Law

- 3.1 It is important to emphasise that many key aspects of national planning policy, guidance and law relating to National Parks remain unaltered from the time our adopted Local Plan was prepared and examined. For example:
 - The two statutory National Park purposes – originally set out in the National Parks & Access to the Countryside Act 1949 – and the related socio-economic duty remain unaltered by recent changes in national policy and primary legislation. As was

recognised by our Local Plan Inspectors in 2019, the two legal purposes are central to the planning policy approach in National Parks.

- Although there have been several updates to the NPPF since the current Local Plan was adopted in 2019, key elements relating to National Parks remain unaltered. For example, National Parks are still listed in footnote 7 to the NPPF as areas of particular importance where development should be restricted; paragraph 182 confirms: (i) National Parks have the highest status of protection in relation to landscape and scenic beauty; and (ii) the scale and extent of development within National Parks should be limited; and paragraph 183 confirms major development should be refused in National Parks other than in exceptional circumstances.
- The legal protections afforded to the internationally designated habitats of the National Park remain in place. These designations – including Special Areas of Conservation, Special Protection Areas and Ramsar sites – cover over 50% of the National Park area. The legal test placed on competent authorities to ensure development does not impact on the integrity of these designated sites remains.

3.2 It is for these reasons this report recommends that a partial review of the adopted local planning policies for the National Park is undertaken, rather than a full review. The following section highlights the key areas where a focused update would be beneficial.

4. Provisional identification of matters to address in a revised Local Plan

4.1 Although the key elements of national policy for National Parks remain unaltered from the time the current Local Plan was adopted, there have been some revisions to national policy and legislation pertinent to the Authority's planning work. These include:

- **Compliance with national policy and legislation:** The NPPF (December 2023) confirms the maintenance of up-to-date local plans is a priority in meeting identified development needs. Although the National Park Local Plan (2019) is considered to be in general conformity with national policy, it is 5 years old in August 2024. Recent changes in national Permitted Development rights mean a review of some policies would be beneficial. The Levelling Up & Regeneration Act 2023 also signposts the abolition of Supplementary Planning Documents and a review of the Plan would enable relevant sections of existing SPDs to be incorporated into the revised plan.
- **Climate Change:** Paragraph 164 of the NPPF encourages planning authorities to give significant weight to supporting energy efficiency and low carbon improvements to existing buildings. A focused review of our local planning policies on sustainable construction and energy efficiency will enable us to consider issues such as the approach to replacement dwellings, the retrofit of existing buildings and to use our planning powers to contribute to the delivery of the net zero with nature programme.
- **Nature Recovery:** Since the adoption of the Local Plan in 2019 the National Park Authority has declared a nature and climate emergency. The preparation of the Local Nature Recovery Strategies for Wiltshire and Hampshire has commenced and these strategies will have weight in the local plan-making process. The mandatory requirement for Biodiversity Net Gain (BNG) in new development came into effect in Spring 2024 and the review of the Local Plan for the National Park provides the opportunity to set out the Authority's target for BNG in new development. This will need to consider the impacts on development viability and also the interaction between the national agenda for nature recovery and the local land-based economy in the New Forest National Park (including commoning).

- **Housing Need:** The National Park Authority is not covered by the Government's Housing Delivery Test. The Authority also does not receive a housing need requirement from the Government generated through the standard methodology relating to the objectively assessed housing need. Instead the National Planning Practice Guidance (NPPG) resource on 'housing and economic needs assessment' acknowledges that in National Parks an alternative approach to the Government's standard method for assessing housing need will be required. The NPPG confirms that national park authorities, '...may continue to identify a housing need figure using a method determined locally.'¹ The Authority will therefore need to commission evidence on the current local housing need arising from communities within the National Park to inform the approach we take to the Local Plan review.
- **National Development Management Policies:** The Levelling Up & Regeneration Act 2023 introduces a new category of planning policies - national development management policies (NDMPs) - to be drawn up by the Secretary of State. NDMPs will carry the same weight as policies within local plans and in the case of a conflict between the two, NDMPs will override local plans. The rationale is that NDMPs will make local plans quicker to produce because nationally important issues will be covered by NDMPs and local plans will therefore be shorter, focused on locally important issues. The adopted New Forest National Park Local Plan (2019) includes detailed development management policies on a range of local matters and NDMPs may help to simplify the Local Plan.

4.2 A partial review of our local planning policies must be supported by evidence to justify the approach taken. The NPPG resource on '[Plan-making](#)' emphasises the need for evidence to be proportionate and encourages the production of in-house and/or joint evidence base studies. This reflects the approach the Authority has always taken in the review of our planning policies, with evidence to inform our current Local Plan commissioned jointly with neighbouring authorities (e.g. the Strategic Housing Needs Assessment, Business Needs & Commercial Property Market Assessment and the Strategic Flood Risk Assessment commissioned with New Forest District Council); or other partners (e.g. the Gypsy, Traveller & Travelling Showpeople Accommodation Assessment commissioned with six planning authorities in Hampshire). It is likely that several key evidence base studies will be required to support the Local Plan review and we will continue to look to jointly commissioned work where possible for efficiencies.

5. Conclusions and next steps

5.1 The NPPF requires policies in local plans to be reviewed to assess whether they need updating at least once every 5 years, and they should then be updated as necessary. National planning guidance states that most plans are likely to require updating in whole or in part and that reviews should be proportionate to the issues in hand. Government guidance also recognises that planning policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years.

5.2 With the 5-year date from the adoption of the National Park Local Plan being August 2024, this report sets out the conclusions of the high-level assessment officers have undertaken of the Plan. It concludes that while many aspects of our local planning policies conform to current national policy and legislation, there are several areas where an update would be beneficial. These are summarised in Section 4 of this report.

¹ [Housing and economic needs assessment - GOV.UK \(www.gov.uk\)](#) – paragraph 014

5.3 This report therefore recommends members agree to commence a partial review of the National Park Local Plan (2019). It is proposed that before the next Authority meeting in July 2024 the Policy team will further engage members to explore the review in more detail. The intention is that a further report would then be presented to members with more detail on the areas for review and the timetable. All planning authorities are required to publish a Local Development Scheme (LDS) setting out a publicly available timetable for the key stages in their plan review. We will therefore also present an updated LDS to the full Authority meeting in July 2024. The National Park Authority's Statement of Community Involvement (SCI) was updated in July 2023 in advance of the Local Plan review commencing. This sets out how we will engage local communities and other stakeholders in the review process.

Recommendation:

Members resolve to commence a partial review of the adopted New Forest National Park Local Plan (August 2019) and delegate authority to officers to carry out all actions as necessary in this regard; and note that a revised Local Development Scheme will be presented at the Authority meeting in July 2024.

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Papers: **AM 675/24** – cover paper
Appendix 1 – Local Plan Review Assessment

Equality Impact Assessment: The revised Local Plan will be accompanied by an Equalities Impact Assessment.