
Background

1. As advised by the Examination Inspector, the Council undertook an additional period of public consultation on a number of matters, as set out below, from 8th August to 19th September 2012.

   i. The ‘soundness’ of the Plan in the context of the final version of the National Planning Policy Framework (NPPF) (published in March 2012)

   ii. The NFDC Proposed Changes Schedule – changes proposed by NFDC to the Proposed Submission Document in response to representations received in the period 20th January to 2nd March 2012.

   iii. The Errata List.

2. Natural England responded to the consultation raising a number of concerns about the ‘soundness’ of the Plan in the context of the National Planning Policy Framework (NPPF). The NPPF was published on 27th March 2012, after the period for representations on the Sites and Development Management Proposed Submission document (Local Plan Part 2).

3. The Local Plan Part 2 was prepared in the context of the National Planning Policy that was in place prior to the publication of the NPPF. Following publication of the NPPF the Council checked the compatibility of the Sites and Development Management document with the NPPF using the Local Planning Authority Self Assessment Compatibility Checklist published by the Planning Advisory Service. (Document S6). The use of this ‘checklist’ helped identify possible areas of incompatibility between the NPPF and emerging local policies, but proved not to be an adequate tool for identifying potential policy ‘gaps’ resulting from the changes to national planning policy advice.

4. Under previous National Planning Policy local planning authorities were advised that it was not necessary to have local planning policies which repeated national planning policy. This particularly affected the need to include local policies relating to the conservation and enhancement of the historic environment and the natural environment in the Local Plan.

5. Natural England has submitted representations on the ‘soundness’ of the Local Plan Part 2 in the context of the final version of the NPPF (Representation 940420). The Council accepts that as a result of the introduction of the National Planning Policy Framework in March 2012 and the removal of some of the detailed national planning policy guidance on nature conservation matters, there is a need for additional planning policies at a local level in appropriate development plan documents. In the case of New Forest District, there is a need to include additional planning policy relating to

Common Ground

6. There is common ground between the Council and Natural England that, following publication of the NPPF, it would be appropriate to revise policy DM2 and paragraphs 2.9-2.11 of the Local Plan Part 2 in respect of the nature conservation policy. The Council and Natural England have worked together to agree an appropriate policy for inclusion in the Local Plan Part 2. (The proposed changes are to be recommended to Cabinet on 7th November.)

7. Natural England and the Council would wish to see proposed changes Ch2.21 and Ch2.22, as set out in Appendix A, included in the final adopted Plan.
Appendix A

Proposed changes Ch2.21 and Ch2.22

Nature Conservation

2.9 As set out in Core Strategy policy CS3, the overall objective is that developments should protect, and where possible, enhance biodiversity.

Policy DM2: Nature conservation, biodiversity and geodiversity

Development proposals which would be likely to adversely affect a designated or candidate Special Area of Conservation (SAC), classified or potential Special Protection Area (SPA), or listed Ramsar site will not be permitted unless there is no alternative solution and there are imperative reasons of overriding public interest which would justify the development.

Development proposals within or outside a Site of Special Scientific Interest (SSSI) which would be likely to adversely affect the site will not be permitted unless the benefits of the development outweigh both the adverse impacts on the site and any adverse impacts on the wider network of SSSIs.

Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance (including Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), Regionally Important Geological / Geomorphological Sites (RIGGS), and habitats of species of principal importance for biodiversity) will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity / geodiversity.

Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity.

Where development is permitted, the local planning authority will use conditions and/or planning obligations to minimise the damage, provide mitigation and site management measures, and where appropriate, compensatory and enhancement measures.

Development will not be permitted which would adversely affect species of fauna or flora that are protected under national or international law, or their habitats, unless their protection can be adequately secured through conditions and/or planning obligations.

2.10 Sites of national and/or international importance to nature conservation (SSSIs, SACs, SPAs, Ramsar sites, National Nature Reserves) are shown on the Proposals
Maps. These designations are not made through the development plan process. They are subject to international and national legislation and procedures. Candidate and potential designations will be considered as if they have been designated, in accordance with the National Planning Policy Framework. Many Sites of Special Scientific Interest (SSSIs) are also designated as sites of international importance.

2.11a Locally designated Sites of Importance for Nature Conservation (SINCs) are not shown on the Proposals Map as the areas subject to this designation may change, or be added to over the Plan period.

2.11b Where compensatory measures are required, these shall result in no net loss to biodiversity, factoring in such considerations as the certainty with which the measures will deliver the requisite biodiversity value and the time it will take before the measures deliver the requisite biodiversity value.

2.11c Work on the New Forest Biodiversity Action Plan, covering the whole of New Forest District and the National Park, is being led by the National Park Authority.
Date: 15th November 2012
Our ref: 61111
Your ref: None specified

Louise.Evans@NFDC.gov.uk
New Forest District Council

BY EMAIL ONLY

Dear Sir/Madam,

NEW FOREST DISTRICT (OUTSIDE THE NATIONAL PARK) LOCAL PLAN:
PART 2: SITES AND DEVELOPMENT MANAGEMENT

I can confirm that Natural England is in agreement with the Statement of Common Ground regarding revised Nature Conservation Policy DM2 sent in your email dated 16/10/2012.

Yours sincerely

Charles Routh
Lead Adviser, Winchester Land Use Operations Team, Natural England.