Dear Graham

New Forest District Council outside the National Park
Local Plan Part 2: Sites & Development Management
Schedule of Main Modifications

Thank you for consulting the New Forest National Park Authority on the schedule of main modifications to the Local Plan Part 2 document. Set out below are the Authority’s consultation comments.

MM3 – New Policy NPPF1

The Authority acknowledges the Government requirement for local plans to include a ‘model policy’ reflecting the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF, 2012).

While the Authority has no particular issue with the proposed wording, it is recommended that additional wording could be added to the final part of the proposed policy (see box below) to reflect the protection afforded to National Parks in the NPPF (see footnote 9 to paragraph 14). This would partly fill the gap created by there being no single ‘National Park policy’ in the Local Plan Part 1 and is consistent with the approach taken in a number of other DPDs where development potentially affecting National Parks is a consideration.

“Where there are no policies relevant....the Council will grant permission unless material considerations indicate otherwise – taking into account whether:
- Any adverse impacts....; or
- Specific policies in that Framework, such as those relating to sites protected under the Birds and Habitats Directives, Green Belt, National Parks or AONBs, indicate that development should be restricted.”
Some of the proposed wording in the section on habitats could be seen as unnecessarily negative and could undermine the proposed mitigation strategy that accompanies the Local Plan Part 2. Statements such as “…while the best available evidence is inconclusive…” in paragraph 2.11f and “…as set out in the HRA, current available evidence is poor…” in paragraph 2.11s are not reflective of the requirements of the Habitats Regulations. You will be aware that successive Habitats Regulations Assessments dating back to the Regional Spatial Strategy for the South East, the District Council’s Local Plan Part 1 (2009) and the Authority’s own Core Strategy (2010) have consistently concluded that in-combination impacts from residential development on the integrity of the New Forest’s Natura 2000 sites cannot be ruled out and therefore mitigation is legally required. This should be the clear starting point for the necessary revisions to the District Council’s Local Plan Part 2, which should respond positively to this position.

The Authority would therefore recommend that the wording to the opening sentence of paragraph 2.11f is amended as follows:

“Taking on board the Core Strategy HRA and the SDMP, the Habitats Regulations Assessment of the Local Plan Part 2 concludes that, while the best available evidence is inconclusive, likely significant effects on both the New Forest and Solent and Southampton Water SPA/SAC/Ramsar nature conservation designations associated with recreational impacts from the planned residential development cannot be ruled out. A precautionary approach is appropriate…”

The Authority would also recommend that that wording to the opening sentence of paragraph 2.11s is amended as follows:

“As is set out in the HRA, current available evidence is poor and an essential component of the mitigation package will be…”

The Authority supports the statement in Policy DM2b that all residential development resulting in additional dwellings will be required to provide for appropriate mitigation and/or financial contributions towards off-site mitigation.

The final sentence of paragraph 2.11t could be construed as being rather weak with regard to CIL and habitat mitigation. It currently states that the requirements of EU legislation regarding habitat mitigation “…will be recognised in the allocation of CIL funds.” In other parts of the country (e.g. South East Dorset), local authorities have been required to prioritise funding from CIL towards avoidance and habitat mitigation measures and this approach is recommended in the New Forest where the issues are similar. It
is therefore recommended that the final sentence of paragraph 2.11t is amended as follows to provide a firmer commitment to prioritising habitat mitigation within the District Council’s future CIL spending plans.

“Once the CIL is adopted, the District Council will prioritise the allocation of future CIL funding towards mitigating the adverse effects of development in the District on European nature conservation designations. The requirements of EU legislation regarding mitigation of impacts on European nature conservation designations will be recognised in the allocation of CIL funds.”

**MM17 – Paragraphs 2.57 – 2.59**

The recent work on assessing the needs of gypsies and travellers within Hampshire (2013) concluded that an additional 12 pitches were required within New Forest District by 2027. The Local Plan Part 2 allocates 8 additional pitches (66% of the requirement), with the remaining part of the requirement to be met through the Development Control process.

The Government’s “Planning Policy for Traveller Sites” document (DCLG, 2012) aims to ensure that local planning authorities meet need through the identification of land for sites. Paragraph 9 confirms that local planning authorities should, where possible, identify a supply of specific developable sites for the next 15 years (our emphasis). The Authority welcomes the positive approach taken by New Forest District Council to identify land to accommodate two thirds of the identified need for the period to 2027, on the understanding that the remaining need identified within the district is met within the District Council’s planning area.

I hope these comments are helpful, and the Authority would be very willing to discuss these with you and the Inspector if necessary.

Yours sincerely

David Illsley
Policy Manager