

## **New Forest National Park Local Plan**

### **Consultation Draft**

**October 2016**

Brockenhurst Parish Council welcomes the opportunity to comment on The New Forest National Park Local Plan, Consultation Draft, October 2016.

Brockenhurst Parish Council represents 3500 residents who have an interest in the proposals as they affect this 'Defined' village.

We have considered the issues raised in the document itself and the consensus view of the Councillors is:-

#### **1. Introduction**

##### **The New Forest National Park**

Paragraph 1.10, page 6

These two points state the legal purposes for which the New Forest National Park Authority (NFNPA) was established. These are its primary purposes to which it must at all times have regard in its operations. If it fails to have proper regard to these, it is operating illegally (*ultra vires*) and can be forced by the courts to have due regard to them. The plan must therefore contain policies which at all times conform to these purposes.

No amount of government directives, circulars, statements or other central government instructions can alter these fundamental requirements.

Paragraph 1.11, page 6

This Statutory Duty is not a complete statement of that section. The full statement is:-

*A National Park authority, in pursuing in relation to the National Park purposes specified in subsection (1) of section five of this Act, shall seek to foster the economic and social well-being of local communities within the National Park, but without incurring significant expenditure in doing so, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the National Park. (2) In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.*

It is considered, therefore, that some policies proposed in this plan do not potentially comply with the statutory requirements of the National Park.

### **3. Vision and Objectives**

Paragraphs 3.1 & 3.2, page 13

The statutory purposes do not provide for the 'delivery of sustainable development' - its statutory duty is only to 'foster'. This does not imply development as a major vision and in our view any new development should be limited and only to meet local need. Therefore, we believe that the 'Vision' should be amended.

#### **Key Challenges for the Local Plan**

Paragraph 3.3, bullet point 2, page 14

'fully mitigated' should mean the provision of an acceptable alternative not merely a monetary contribution as this will not, of itself, conserve and enhance the natural beauty, wildlife and cultural heritage.

#### **Policy 1: Supporting sustainable development, page 17**

The NFNPA should not support sustainable development as it is not aligned with its statutory purposes. Indeed, paragraph 4.4 (page 18) in the Consultation Document confirms our view that development should be restricted 'on land within a National Park'. This makes it clear that a presumption in favour of sustainable development is not appropriate within a National Park. In our view there should be a presumption against development within a National Park.

If our view is not accepted, then at the very least the factors describing 'sustainable development' should be prioritised i.e. 1st d, 2nd b, 3rd e, 4th c and 5th a.

#### **Fawley Power Station**

Paragraph 4.9, page 19

Development should not encroach or impact on any land within the National Park otherwise the statutory purposes of the National Park are not met.

#### **Dibden Bay**

Paragraph 4.13, page 20

Development should not encroach or impact on any land within the National Park otherwise the statutory purposes of the National Park are not met.

#### **Policy 3: Spatial Strategy, page 22**

No substantial development should be allowed as this does not reconcile with the statutory purposes.

#### **Policy 4: Nature Conservation Sites of International Importance, page 24**

The wording in the final paragraph should be amended from 'in many cases' to 'some limited cases'.

**Policy 8: Green Infrastructure, page 29**

Whilst positively endorsing this policy, we consider that the plan should commit NFNPA to approving infrastructure changes such as green bridges over the A31 and additional tunnels along the A35.

**Policy 10: Climate Change, page 32**

This policy should include reducing all travel by motor vehicle through the National Park which can be achieved by providing viable alternatives e.g. improved public transport and linked up cycle tracks. We note that proposed areas of development outside the periphery of the National Park could substantially impact both climate change and tranquillity (see also Policy 14). We have commented on this in our response to NDFC proposed local plan and urge the two authorities to work closely on this aspect.

**Policy 14: Tranquillity, page 36**

This policy needs to address the two major sources of noise pollution (or absence of tranquillity) within the National Park. These are the road noise from the A31 in particular and aircraft noise from, particularly, Bournemouth Airport.

This policy should also reflect that any mitigation measures are sufficient to ensure there are no incremental negative impacts on tranquillity.

This policy should include large scale sporting and other events to be held wholly or partly within the New Forest National Park. This would ensure that the two statutory purposes are met without adversely affecting the working nature of the New Forest or other users. This would also support the comments in **Annex 1 - New Forest National Park Special Qualities, wonderful opportunities for quiet recreation, learning and discovery, page 95.**

**Policy 18 - New residential development in the New Forest National Park, page 45**

Any net new residential development within the National Park should be restricted to housing for local people in perpetuity. This could be achieved, as it is in the Lake District, by local occupancy clauses within new house deeds or by some form of category housing as in Jersey. Both the Lake District and Jersey achieve reduced house prices in perpetuity for those homes with the 'local occupancy clause' or certain category. This would address the 'affordability' issue and already works in these localities therefore we see no reason why it can't also work in the New Forest National Park.

Rebuilds of existing properties without local occupancy clauses would not need to have a local occupancy clause added; this proposal is for net new housing only. This proposal could assist the Vision (page 13) of providing 'a mix of appropriate new housing to meet local needs arising within the National Park'

**7 Vibrant Communities, Paragraph 7.11, page 45**

In considering the Statutory purposes, any brown field sites resulting in further residential development should have an equal reduction in housing on the current proposed green field sites and not be in addition to any green field sites allocated in the Local Plan.

**Addressing the Needs of an Ageing Population, page 46**

It must be made clear that the expansion of any existing accommodation or new accommodation for the elderly should not take place within the defined villages unless it is shown that it is to meet the demands from within the National Park population itself and not result in meeting the demand from outside the National Park.

**Policy 20 - Land at Whartons Lane Ashurst, page 48**

This should not be allocated as development land until a review of potential brown field sites has been completed.

**Policy 23 - Land south of Church Lane, Sway, page 51**

This should not be allocated as development land until a review of potential brown field sites has been completed.

**Policy 27 - Affordable Housing provision within the defined villages, page 57**

The NFNPA should advise the Department of Communities and Local Government that in its circumstances requiring the provision of affordable housing is not appropriate despite it being a statutory duty. Our revised Policy 18 would address this issue.

**Policy 30 - New Forest Estate Workers Dwellings, page 61**

We consider this policy to be obsolete.

**Policy 31 - Agricultural and Forestry Workers Dwellings, page 62**

We consider this policy to be obsolete.

**Self / Custom Build, page 64**

We agree with the Alternative Option that the Authority should not allow self builders to build on rural exception sites.

**Policy 33 - Gypsies, Travellers and Travelling Showpeople, page 65**

We agree with the Alternative Option and preferred approach which requires the identification of a site or sites.

**Policy 35 - Replacement Dwellings, page 68**

We believe that any dwelling, whether historical or not, which cannot meet modern energy saving requirements by any reasonable expenditure, should be permitted to be demolished and replaced with those that do. We agree with Alternative Option b in order to maintain local character and distinctiveness.

**Policy 36 - extensions to Dwellings, page 69**

All dwelling extensions should be limited to 100m<sup>2</sup>, not just those on properties outside the defined villages.

**Retail Development within the National Park, page 73**

The NFNPA should not stand in the way of applications to reconvert premises from shops where the premises were originally built as dwellings.

**Parking standards, page 90**

We agree with the preferred option that the parking standards set out in Annex 2 should be incorporated within the revised Local Plan.

**Policy 54: Access, page 91**

There should be a long term policy of installing level concrete edge kerbs on the verges which will ensure that cyclists and others are at reduced risk.

Where opportunities arise, development of a safe and pleasant cycle network within Brockenhurst should be progressed. Land for the cycle lane will generally come from existing roads and the network will be designed in a way that helps reduce the speed of through traffic.

We would potentially support the creation of a cycle / pedestrian pathway generally alongside the A337 between Lyndhurst and Lymington.

We would potentially support the introduction of a 20mph speed limit within defined villages, excluding the A337 itself, in order to retain their rural character.

**Additional comment**

The National Park is characterised by its wilderness appearance and the distinctive appearance of many of its settlements and rural buildings. These important visual features also contribute heavily the tourist economy.

We therefore wish to see restrictions on both excessive highway signage and advertising signs. A typical example is the growing proliferation of banner style advertiser on fences and

boundaries. The local plan should include clear proposals to implement National Planning Guidance by the already defined processes of advertisement control :-

- restricting deemed consent within a defined area;
- issuing a discontinuance notice; and
- defining an Area of Special Control.