

Date: 15 May 2018  
Our ref: 243469  
Your ref: Pre-submission Neighbourhood Plan



Suna King  
New Milton Town Council

**BY EMAIL ONLY**

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Dear Suna

**Planning consultation: Neighbourhood Plan (NP) Pre-Submission version**  
**Location: New Milton**

Thank you for your consultation on the above dated 03 April 2018 which was received by Natural England on 03 April 2018

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**1. Habitats Regulations Assessment**

It is disappointing that the pre-submission plan is not accompanied by a Habitats Regulations screening assessment at the time of consultation, although the SEA does make reference to one being in preparation. At the pre-submission stage we would normally advise the qualifying body (NMTC) on HRA screening and mitigating effects if requested (plan cannot proceed if there is a likely significant effect) and we would advise whether we agree with the screening conclusions. However, as the Habitats Regulations Assessment (HRA) is absent we are not able to definitively advise as to the acceptability of the plan. In any event we do have concerns which are outlined in the response below on specific policies.

In addition, there is a very clear basic condition as set out in Paragraph 1 of Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 which states that **a Neighbourhood Plan cannot proceed if there is a Likely Significant Effect (LSE) on a European site.**

A full screening assessment should be undertaken at the draft Neighbourhood plan stage. It is of particular relevance to this plan as a number of the policies seem to be deviating from local plan policies in terms of mitigating recreational impacts on the New Forest suite of designated sites.

**2. The Sustainability Appraisal (SA)**

As already mentioned the SA makes reference in section 3.7 to a HRA currently being undertaken for the NP but no HRA has been provided for our consideration.

The SA also makes reference in para 5.12 to policy NM7E and NM9. Our concerns re this policy are outlined below. Until our concerns regarding those two policies are addressed we do not feel that the SA can conclude that the 'Greenway' network would act as appropriate and effective mitigation for recreational impacts resulting from new residential development on the designated sites of the New Forest.

In paragraph 5.16 the SA mentions the IRZ for the New Forest SSSI for residential development of 50 units or more. We wish to draw to your attention that the IRZ applies to any quanta of net gain in residential dwellings across the entire NFDC/NFNPA area and is not restricted to developments of 50 and over.

It should also be noted that parts of the plan area are within the 5.6km zone of influence for the Solent Special Protection Area (SPA) suite of sites that will require any quanta of residential development to comply with the Solent Recreation Mitigation Scheme. We could not see this mentioned in the SA.

Paragraph 5.40 and 5.57 talks about the focus placed on greenspace. Whilst we accept the concept of the greenway approach as delivering green infrastructure with land soil and water resource benefits as well as health and wellbeing benefits, we do not have the evidence to support its use as mitigation for recreational pressure on the New Forest.

### **3. The Pre-submission plan**

#### **General comments**

The NMNP does not meet the legal requirements of a NP as it lacks a supporting HRA and is not compatible with the adopted or emerging local plans for NFDC and NPA.

Neighbourhood plans have to be in general conformity with the strategic policies in the Council's Local Plan.

#### **Best and most versatile land**

We have not checked the agricultural land classification of the proposed allocations, but we advise you ensure that any allocations on best and most versatile land are justified in line with para 112 of the National Planning Policy Framework, unless allocations are exceptionally large (over 5ha).

#### **Public Rights of Way (PROW)**

The Neighbourhood Plan should also ensure that public rights of way are not detrimentally effected by allocations and not urbanised in feel as a result of any development.

#### **Solent sites**

It should also be noted that parts of the plan area are within the 5.6km zone of influence for the Solent SPA suite of sites that will require any quanta of residential development to comply with the Solent Recreation Mitigation Strategy. Where relevant the policies relating to site allocations within the zone should mention the need to make financial contributions in alignment with overarching local plan policy.

#### **Specific comments**

##### **Policy NM3:land at Brockhills Lane**

We are pleased that this policy (NM3bi) is respectful of the need to comply with the overarching (existing and emerging) local plan mitigation policies regarding impacts on the New Forest SPA that exist for the New Forest District Council and New Forest National Park Authority. We advise that it is critical that your plan also makes reference to and considers the emerging guidance around SANG design (relevant to NFDC area) to make sure that any masterplans for the allocations adhere to these guidelines. We would be pleased to advise the landowners regarding their potential allocations as designs evolve via our Discretionary Advice Service.

We also welcome reference to the need to protect the ancient woodland by buffering as well as considering how the existing PROW will be incorporated within the allocation.

We also welcome reference to the emerging SANG design guidance in supporting para 6.16.

#### **Policy NM4 Land South of Gore Road**

NM4 f i currently states that the GI scheme shall comprise all or part (our emphasis) of the minimum requirements of a SANG. We advise that the SANG requirements must be met in full.

#### **Policy NM5 Land at Caird Avenue**

We are pleased that this policy (NM5di) is respectful of the need to comply with the overarching (existing and emerging) local plan mitigation policies regarding impacts on the New Forest SPA that exist for the New Forest District Council and New Forest National Park Authority. We advise that it is critical that your plan also makes reference to and considers the emerging guidance around SANG design (relevant to NFDC area) to make sure that any masterplans for the allocations adhere to these guidelines. We would be pleased to advise the landowners regarding their potential allocations as designs evolve via our Discretionary Advice Service.

It is not entirely clear where the SANG is located from the masterplan and indeed for all the masterplans it would be useful to understand of the NP team have had engagement with the landscape officer at NFDC regarding the design of the SANG. It would also be useful for all of the masterplans to use the same legend and the same mapping style.

#### **Policy NM7 The New Milton Town Centre**

We note that the policy refers to the need for development schemes in this area to accord with the development principles set out in this policy and with other relevant development plan policies. This will include the need to comply with habitat mitigation measures set out in the SPD for habitat mitigation adopted by NFDC which requires a financial contribution for habitat mitigation for developments below 50 and provision of a SANG for developments of 50 and over.

#### **Site A: New Milton Station and Heritage and Information Centre**

#### **Site B: North of Osborne Road**

#### **Site C: South of Manor Road**

#### **Site D: Station Road/Spencer Road**

#### **Site E: Station Road/Elm Avenue**

It would be helpful for these policies to give an indication of the number of dwellings likely to come forward and how it is intended to mitigate for impacts on internationally designated sites.

#### **Site I: Innovation/Business Centre**

It would be helpful for you to check with NFDC about the emerging policies from the local plan review as to how they are considering net gain in C1/hotel accommodation with respect to the requirement for habitat mitigation for the New Forest.

#### **Policy NM7E: Mitigating effects on the New Forest Special Protection Area**

The policy states that residential schemes will only be supported if they included proposals for mitigating their effects on the New Forest SPA through off site financial contributions to projects in

the 'greenway' policy of the NP and (our emphasis) in accordance with the mitigating strategy for European Sites SPD. This implies that each residential scheme will comply with the SPD and also the greenway approach, so it would be providing over and above what the SPD would demand which is fine. However, when you then read policy NM9 it suggests that the greenway approach would be a standalone solution for habitat mitigation for the town centre sites. We are concerned by the approach being suggested by the 'greenway' network as it deviates from the SPD approach. Please see comment below under the NM9 policy for further detail. As we see it your plan is not Habitats Regulations compliant as the 'greenway' policy has not been through appropriate assessment and the NP will need to provide supporting evidence to substantiate the claim that the greenway would act as adequate mitigation.

### **Policy NM9: The 'Greenway' Network**

As previously discussed with yourselves we cannot accept the principle of the 'greenway' as SANG style mitigation for the New Forest SPA impacts for developments within New Milton town centre as the Neighbourhood Plan proposals for SANG are not fully aligned with the existing and emerging local plan SPD for New Forest mitigation, nor the design guidance for SANG. It is our understanding that the Neighbourhood Plan should follow the policy approaches of the overarching local plan. If the Neighbourhood Plan wishes to propose a novel approach to New Forest SPA mitigation, it will need to demonstrate the effectiveness of any approach via a HRA/Appropriate Assessment. It must be stressed though Natural England is unaware of any information that would suggest improved access within the town centre could satisfactorily mitigate for increased recreational impacts within the designated sites.

In paragraph 6.80 it is mentioned that an overview of the 6 'greenway' projects is available in the mitigation report, however when we checked your website at the time of this response being formulated it was not available for download so we are unable to comment on that report.

### **Chapter 7: Implementation**

Under the wellbeing heading you refer to the 'greenway' as mitigating the recreational pressure from residential sites - as already mentioned in this letter, there is no evidence that this would act as effective mitigation for those pressures.

### **Glossary**

We note that the description of Suitable Alternative Natural Greenspace contains reference to Thames Basin Heaths. This should be altered to New Forest.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

  
New Forest Team