



Test Valley Borough Council

By email to: [REDACTED]

28 March 2022

Dear Sir/Madam

Test Valley Borough Council Local Plan 2040 consultation

Thank you for consulting the New Forest National Park Authority as part of Test Valley Borough Council's Local Plan 2040 consultation. The Authority notes that this stage in the Local Plan-making process for Test Valley Borough follows two previous stages of public consultation. The current consultation sets out draft strategic planning policies for the Borough and the approach taken by the Council in seeking views on these strategic policies is logical. Set out below are the comments from the National Park Authority that we would ask the Borough Council to consider as work continues the preparation of their new Local Plan.

Consideration of potential impacts on the New Forest National Park

As set out in paragraph 1.12 and Figure 3.1 (Settlement Hierarchy Map) of the consultation document, part of the Borough is within the New Forest National Park and falls within the National Park Authority's planning responsibilities. We would advise that the area of the Borough within the National Park is illustrated on the Policies Map; and the Local Plan clearly states that planning policy coverage for this area of the Borough is within the separate development plan for the National Park.

Paragraph 4.41 of the consultation document states that the key environmental topics which will be addressed further in the next stage of the Local Plan 2040 include, "*Landscape: we will need to think about our approach to the protection and enhancement of our valued landscapes... This includes the approach to conserving and enhancing the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the setting of the New Forest National Park...*" (our emphasis). We welcome this reference to the setting of the New Forest National Park, which is consistent with paragraph 176 of the NPPF (2021), which states in relation to National Parks, "... *development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*"

The Borough Council will be aware that under Section 62(2) of the Environment Act 1995, 'relevant bodies' have a statutory duty of regard towards the two statutory National Park purposes in undertaking their functions. This legal duty of regard recognises that the delivery of the National Park purposes rests with a variety of bodies, not just the respective national park authorities. In January 2022 the Government published their response to the national landscapes review – see

[Landscapes review \(National Parks and AONBs\): government response - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/landscapes-review-national-parks-and-aonbs). In chapter 4 on ‘Supporting local delivery’ the Government states,

“Public bodies have a huge influence on the protection and management of protected landscapes through their policies, programmes, projects, authorisations, and land management practices. It is therefore essential that they take account of the statutory purposes and the relevant management objectives when making decisions relating to protected landscapes...the existing duties for public bodies to ‘have regard’ to the statutory purposes are too weak...We therefore propose strengthening the wording of these statutory duties so that they are given greater weight when exercising public functions....The government will produce guidance for public bodies on the application of the strengthened duties, making it clearer when and how it should be discharged in respect of public functions.”

In response to this intended strengthening of the ‘duty of regard’, we advise that the Borough Council’s Local Plan 2040 should include a specific policy on development which could impact on the adjacent New Forest National Park (including its setting). This should be consistent with national policy (currently set out in paragraph 176 of the NPPF) and would help to demonstrate how the Council is delivering on its legal duty of regard. Examples of such an approach in adopted development plans in the area surrounding the New Forest National Park include Core Policy 24 in the adopted Wiltshire Council Core Strategy (2015) and Policy STR2 in the adopted New Forest District Local Plan Part 1 (2020). In both cases the approach was found sound following independent examination.

Consideration of potential impacts on the New Forest’s designated sites

As noted in paragraph 1.44 of the consultation document, the Borough Council will be required to undertake a Habitats Regulations Assessment on the Local Plan 2040. It is understood that the Council will shortly be procuring consultants to undertake this assessment, which will inform the preparation of draft policies and proposals for inclusion in the Local Plan 2040 Regulation 18 Stage 2.

The consultation document helpfully highlights that the Council is jointly working with neighbouring authorities and agencies on addressing and mitigating the recreational impacts of new residential development on the New Forest’s international nature conservation designations. Research from Footprint Ecology (2020 and 2021) identifies a 13.8km ‘zone of influence’ within which the majority of visitors to the New Forest’s designated sites come from. This zone of influence extends into southern Test Valley and the Borough Council will be aware of the need to consider recreational impacts through their HRA/Appropriate Assessment process. The Council has an existing interim mitigation strategy (2014) and a draft mitigation SPD (2021) in place and so is starting from a strong position on this matter.

The section of the consultation document on ‘infrastructure delivery’ highlights the need for ‘green infrastructure’, which includes protecting and enhancing biodiversity, green spaces for recreation, access to the countryside and preserving the Borough’s landscape. This provides an appropriate hook that enables the Borough Council to address impacts on the New Forest’s designated sites.

The final HRA matter we would highlight in response to the consultation relates to air quality impacts arising from transport emissions on the New Forest’s designated sites. Case law established through the *Wealden District Council v Secretary of*

