



Neighbourhood Planning
Test Valley Borough Council
Beech Hurst
Weyhill Road
Andover
SP10 3AJ

11 December 2023

Dear Sir or Madam

Wellow Neighbourhood Development Plan – Regulation 16 consultation

Annex 1 to this letter sets out the representations from the New Forest National Park Authority to the draft Wellow Neighbourhood Development Plan Regulation 16 consultation.

It is clear a significant amount of work has been put into the preparation of the draft Neighbourhood Plan by Wellow Parish Council and partners. We are content for our representations to be considered by the appointed independent Examiner in due course. We recognise it will be up to the appointed Examiner to determine the format of the forthcoming examination. We are willing to appear at any relevant hearing sessions or provide further written statements on any of the points raised in our representations if required.

In addition, **Annex 2** to this response sets out our representations on the draft Wellow Parish Design Code. Having been reviewed by our planning policy and building design officers, our view is that the draft Wellow Parish Design Code complements the National Park Authority's existing design and heritage planning policies and adopted National Park Design Guide (2022).

Yours faithfully
David Illsley

Policy & Conservation Manager
New Forest National Park Authority

New Forest National Park Authority

Lymington Town Hall, Avenue Road, Lymington, Hampshire, SO41 9ZG
01590 646672 policy@newforestnpa.gov.uk

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CHAIRMAN DAVID BENICE CHIEF EXECUTIVE ALISON BARNES



Annex 1 - Wellow Neighbourhood Plan Submission draft (Regulation 16)

New Forest National Park Authority representations

11 December 2023

Neighbourhood Plan Para / Figure / Policy	NPA comment
Footnote (l), Page 6	<p>The footnote reference to the '<i>(l) New Forest National Park Local Plan Inspector's Report</i>' should instead refer to the '<i>(l) New Forest National Park (Designation Order 2002 – Report of the Inquiry</i>' (December 2003)'. This was the Inspector's Report into the designation of the New Forest National Park and is entirely separate to any Local Plan Inspector's Reports (which followed in 2010 and 2019). The same point applies to footnote 19 on page 28 of the draft Neighbourhood Plan. The Inspector's Report for the designation considered the merits of National Park status and what areas of land met the statutory criteria for inclusion in the final boundary.</p>
Para 5.2.11	<p>Paragraph 5.2.11 states, "<i>It should be noted that because of their greater visual impact and impact on the New Forest National Park, wind turbine farms or standalone turbines will not generally be supported.</i>"</p> <p>This is consistent with policy SP14 in the adopted New Forest National Park Local Plan (2019). Paragraph 5.68 of the Local Plan states, "<i>The New Forest is not an appropriate location for on-shore wind development due to insufficient wind speed and the impacts such development would have on the landscapes and statutory National Park purposes.</i>" The National Park Authority therefore supports the wording in paragraph 5.2.11 of the draft Wellow Neighbourhood Plan.</p>

Neighbourhood Plan Para / Figure / Policy	NPA comment
Para 5.3.17	<p>Approach to the former New Forest Heritage Area designation</p> <p>Paragraph 5.3.17 states, <i>“The community have expressed throughout the consultation process a strong desire for the Heritage Area to be reinstated. Given the Landscape Character Assessment, the National Park Local Plan Inspectors comments and the Landscape Assessor at the time, it is considered that this should be a realistic prospect.”</i></p> <p>The New Forest Heritage Area was designated in the respective local plans for Test Valley Borough, New Forest District and Salisbury District (as was). It was not established by Government and therefore it is considered legitimate for local development plan documents to set out a landscape designation where justified. However, it is also noted that the Landscape Assessor’s report for the proposed New Forest National Park designation is now 20 years’ old and landscape character changes have occurred. The weight that can be afforded to evidence from the early 2000s is likely to diminish over time. Ultimately the Government’s final decision was that land north of the A36 in the parish of Wellow did not meet the statutory criteria for inclusion in the National Park.</p>
Policy WP-L1A – Landscape Character Within the National Park	<p>The Authority is content with this policy and considers it to be in general conformity with the strategic policies in the adopted development plan for the National Park; national policy in the NPPF, relevant sections of the accompanying NPPG resource and the extant National Parks Circular (2010); and primary legislation in the National Parks & Access to the Countryside Act 1949 (as revised through the Levelling Up & Regeneration Act 2023). Given that the Wellow Neighbourhood Area includes part of a nationally designated landscape, we consider it appropriate that the plan includes policy coverage on this matter.</p>

<p>Policy WP-L1B – Landscape Character Outside of the National Park</p>	<p>Approach to the former New Forest Heritage Area designation</p> <p>Land outside the National Park within the parish of Wellow falls within Test Valley Borough Council’s planning jurisdiction and so ultimately the Borough Council is best placed to advise on the policy approach set out in draft policy WP-L1B. From the Authority’s perspective we would highlight the elements of national policy and statute that offer some broad support for the approach taken in the draft Neighbourhood Plan. These include:</p> <ul style="list-style-type: none"> - Paragraph 176 of the NPPF (2023) states, “...<i>the scale and extent of development within all these designated areas [National Parks and AONBs] should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</i>” This confirms development within the setting of National Parks should be carefully considered. - Section 11A of the National Parks & Access to the Countryside Act 1949 sets out a statutory duty on relevant authorities to consider impacts on the statutory National Park purposes from decisions and has been strengthened through the Levelling Up & Regeneration Act 2023 to a duty to ‘seek to further’ the two statutory purposes. Relevant bodies covered by the duty include national and local Government and other relevant decision makers. The legal duty to ‘seek to further’ the National Park purposes is a higher legal test than the previous ‘duty of regard’ and recognises that a range of bodies have responsibility for the delivery of the National Park purposes. - Government guidance - Duty of Regard Guide Defra 2005.pdf (cotswolds-nl.org.uk) - confirms that statutory duty applies not only to decisions made within National Parks, but also where decisions are made outside them which could impact on the adjacent National Parks. This reinforces the wording in paragraph 176 of the NPPF. <p>It is understood that the proposed Wellow Landscape Heritage Area would not preclude appropriate development (development within National Parks and AONB is not precluded, with housing site allocations included in the adopted New Forest National Park Local Plan); and it may be beneficial for the Neighbourhood Plan to state this in the policy or supporting text. We acknowledge that Test Valley Borough Council will have a view on how appropriate the proposed Wellow Landscape Heritage Area is and how well evidenced the proposal is.</p>
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<p>Paragraph 5.4.8</p>	<p>Mitigating recreational impact on the New Forest’s designated sites</p> <p>It is suggested that this paragraph is amended to state: “It is also worthy of note that several local planning authorities in and around the New Forest National Park – including the National Park Authority and Test Valley Borough Council – jointly commissioned research into the recreational pressures on the New Forest’s internationally designated sites (Special Area of Conservation, Special Protection Area and Ramsar) arising from planned development. The research has highlighted significant recreational pressures from local residents living within close proximity to the designated sites; and the need for appropriate mitigation to protect site integrity. The package of recommended mitigation measures includes alternative greenspace provision and the enhancement of recreational walking routes outside the New Forest’s designated sites.”</p> <p>The NFNP Authority commissioned, along with neighbouring Councils, a supplementary guidance which considers mitigation for recreational impacts of development on the New Forest Special Protection Area (SPA), Special Area for Conservation (SAC) and Ramsar sites. The results show that the periphery of the New Forest is being eroded and habitats destroyed by the number of local people regularly visiting the area. To mitigate this, the research recommends alternative recreational greenspaces and routes outside the New Forest SAC/SPA/Ramsar”</p> <p>This reflects the recommendations of the Footprint Ecology research reports - see Research into recreational use of the New Forest’s protected habitats - New Forest National Park Authority (newforestnpa.gov.uk).</p>
<p>Policy WP-L6 – Dark Night Skies</p>	<p>The National Park Authority considers draft policy WP-L6 to be in general conformity with the strategic policies in the development plan for the National Park. In addition to the national policy references in paragraph 185 of the NPPF (2023), policy SP15 (Tranquillity) of the New Forest National Park Local Plan (2019) states that new development, “...<i>should include reducing the impacts of light pollution on the ‘dark skies’ of the National Park and control of development to prevent artificial lighting from eroding rural darkness and tranquillity.</i>” The relatively dark skies of much of the New Forest National Park are one of its special qualities, referenced within the second statutory National Park purpose.</p>
<p>Figure 5-16 Map of statutory and nonstatutory designated sites within the Parish overlaid with details of all Sites of Importance for Nature Conservation (SINCs) and other relevant designations</p> <p>Figure 5-30</p>	<p>400 metre zone from the New Forest Special Protection Area</p> <p>The key for Figure 5-16 includes an illustration for “<i>The New Forest 400m Buffer Zone where no greenfield housing will be supported</i>”.</p> <p>The position around greenfield housing close to the New Forest’s internationally designated sites is slightly more nuanced. Neither the adopted New Forest National Park Authority nor the separate New Forest District Council Local Plans include any greenfield housing site allocations within 400 metres of the New Forest’s designated sites due to concerns over ‘urban edge’ impacts. However, unlike the Dorset Heathlands and Thames Basin Heaths for example, small-scale development is permitted within the 400 metre zone, subject to undertaking a Habitats Regulations</p>

	<p>Assessment and appropriate assessment. This position was established through the respective local plan examinations and reflects Natural England’s stance that small-scale windfall development, spread across a wide geographic area, is unlikely to impact on site integrity of the New Forest’s designated sites (a position which will be kept under review and may change in the future). However, there was a clear distinction drawn between small-scale windfall sites and larger scale housing site allocations in local plans, which are not supported within the 400 metre zone.</p> <p>The same comment applies to figure 5-30 in the draft Wellow Neighbourhood Plan. Although greenfield housing site allocations were not supported by Natural England through the review of the local planning policies for the National Park, the Authority’s Local Plan (2019) includes a windfall allowance of 20 dwellings per annum. This windfall allowance has been met (and exceeded) over the first part of the Plan-period (2016 - 2023) and completions have included dwellings within 400 metres of the New Forest’s designated sites. These are small-scale in nature and geographically dispersed, but we would highlight that the 400 metre zone is not a ‘no development zone’ around the New Forest’s designated sites.</p>
<p>Policy WP-L9–New Forest Special Protection Area</p>	<p>The policy approach to development that could impact on the New Forest Special Protection Area is well established in the Habitats Regulations, NPPF, adopted development plan policies for Test Valley Borough and the New Forest National Park Authority and the adopted mitigation strategies for both planning authorities. A case could therefore be made that policy WP-L9 is largely covering matters already set out elsewhere.</p> <p>However, if statutory consultee (e.g. Natural England) have advised that such a policy is necessary and the Parish Council wishes to include a specific policy in the Neighbourhood Plan (and we understand the reasons why they would), we suggest the following amendments:</p> <p>“New residential development and overnight accommodation (including seasonal workers accommodation and temporary campsites) within the identified New Forest SPA 13.8km ‘zone of influence’ – which covers the whole of the Wellow Neighbourhood Area - recreation buffer zone will need to mitigate against the recreation pressure on the New Forest Special Protection Area. This could be in the form of a financial contribution towards an agreed package of mitigation measures within and outside the designated sites, including the or provision of alternative natural green space for recreational use to the standard in force at the time of the application. Such mitigation measures must be secured for the duration of the development’s effects and must fully adhere to any updates to the guidance issued following the approval of this Plan.”</p>
<p>Para 5.9.8</p>	<p>Addressing water quality impacts of development on the Solent</p> <p>Based on our experiences of dealing with the requirement for nutrient neutrality in new development in the affected Solent catchment for several years, we suggested the following re-wording:</p>

	<p>“The whole of the Plan Area lies within the catchment of the River Test which flows into the Solent where wildlife of marine, tidal and intertidal areas is protected by a number of international designations. Natural England has advised these designations are being adversely affected by the nutrients associated with sewage and agricultural runoff and that the restoration of these sites partly depends on ensuring new development does not generate any additional nutrient inputs. Natural England is placing particular emphasis on nitrogen as this is considered to have an overriding impact in these saltwater habitats. Hence all development proposals in the Plan Area will need to demonstrate they are nitrogen neutral in accordance with Natural England guidance. Test Valley Borough Council and the New Forest National Park Authority will carry out the necessary assessment of the impacts of development on water quality developments under the Habitats Regulations for their respective areas of the Neighbourhood Area. may require developers to demonstrate that Natural England has assessed and agreed their calculations and mitigation proposals prior to an application being submitted and/or determined. In due course strategic mitigation schemes Mitigation schemes are may become available which enable developers to purchase nitrogen credits to the value of the increased nitrogen levels their developments are calculated to generate.”</p>
<p>Policy WP-L11 – Solent and Southampton Water SPA and Solent Maritime SAC</p>	<p>Addressing water quality impacts of development on the Solent</p> <p>Based on our experiences of dealing with the requirement for nutrient neutrality in new development in the affected Solent catchment for several years, we suggested the following re-wording:</p> <p>“Applications for development that will result in a net increase in nitrogen reaching the Solent Region International Sites through e.g. additional units of overnight accommodation or increased intensity of farming will be required to confirm the nitrogen budget and set out specific and appropriately located mitigation measures that will be implemented in order to ensure development is nutrient neutral from the start of its operational phase. Such mitigation measures must be secured for the duration of the development’s effects. The purchasing of off-site nutrient credits from an approved scheme A financial contribution to strategic mitigation measures may be an appropriate alternative to direct provision of mitigation. In this case it will be necessary to liaise with Test Valley Borough Council, the New Forest National Park Authority and Natural England as appropriate to confirm the suitable mitigation schemes from which credits can be purchased an appropriate mitigation scheme to which the contributions will be directed and to ensure the credits purchased any contributions are sufficient to fully mitigate the impacts of the development on the Solent internationally designated sites”</p> <p>The National Park Authority is not aware that farming practices are within the remit of the planning system or currently covered by Natural England’s Solent nutrient guidance, which instead focuses on new residential development and other forms of overnight accommodation.</p>

<p>Para 5.17.2</p>	<p>Extensions to residential dwellings</p> <p>The adopted development plan for the New Forest National Park includes detailed development control policies for replacement dwellings and extensions. The policies have been carefully examined and are key policies for the National Park area (including at appeal). The summary of the National Park Authority’s policy on extensions in paragraph 5.17.2 conflates two elements of our adopted policy – (i) the restriction on extensions being no more than 30% of the floorspace of the existing dwelling (as defined in the Local Plan from a base date of 1982); and (ii) the approach to extensions to ‘small dwellings’ – separately defined in the Local Plan as being dwellings with a floor area of less than 80m².</p> <p>With such detailed, long-standing policies already part of the development plan for the National Park area of the Wellow Neighbourhood Area, the Neighbourhood Plan does not need to provide policy coverage on this issue in the National Park. Including an additional policy for this part of the National Park does add complexity for applicants and decision makers and our preference would be for the policy to be deleted. If the policy is to remain, we would suggest the following revisions for accuracy:</p> <p>“Within the New Forest National Park, extensions which are appropriate to the existing dwelling and its curtilage are permitted under policy DP36. There is an important policy requirement exception however which specifies that extensions must not increase the floorspace of the existing dwelling (as defined in the Local Plan) by more than 30%. The National Park Local Plan also sets out the planning policy approach for extensions to ‘small dwellings’ (defined in the Local Plan), which may be extended up to a maximum internal habitable floorspace of 120m² where exceptional circumstances are demonstrated. There are exemptions for genuine family needs relating to those working in the immediate locality. In these circumstances the total internal habitable floorspace must not exceed 120sq m.</p>
<p>Para 5.17.12</p>	<p>Replacement dwellings</p> <p>The adopted development plan for the New Forest National Park includes detailed development control policies for replacement dwellings and extensions. The policies have been carefully examined and are key policies for the National Park area (including at appeal). The summary of the National Park Authority policy on extensions in paragraph 5.17.12 does not fully reflect the planning policy approach in the National Park, which is complex and depends on the individual planning history of the dwelling that is proposed to be replaced. Where dwellings have been extended since the 1982 base date to 30%, the National Park Authority will not permit replacement dwellings to be any larger. This policy approach is designed to prevent properties being extended, then replaced, then extended to cumulatively increase the size of the dwelling floorspace.</p> <p>With such detailed, long-standing policies already part of the development plan for the National Park area of the Wellow Neighbourhood Area, the</p>

	<p>Neighbourhood Plan does not need to provide policy coverage on replacement dwellings in the National Park. Including an additional policy for the Wellow part of the National Park would add complexity and potential results in two policies on the same matter that point in slightly different directions (with different base dates for the definition of the 'original dwelling' for example). We are therefore of the view that Policy WP-H5 should not apply within the New Forest National Park area of the Wellow Neighbourhood Area. As worded, it could be interpreted as being more permissive than policy DP35 in the adopted New Forest National Park Local Plan (2019) and actually result in larger replacement dwellings in the National Park area of the parish than would be permitted through the existing adopted development plan for the area.</p>
<p>Para 5.18.5</p>	<p>Conversion of agricultural buildings</p> <p>Clarification is sought as to whether this paragraph relates to the conversion of building for residential purposes? The existing national permitted development right to convert agricultural buildings to residential use does not apply in National Parks and the adopted development plan for the National Park only allows for residential conversion in very limited circumstances. We would have significant concerns if the Wellow Neighbourhood Plan opened the door to agricultural – residential conversions within the National Park.</p>
<p>Section 6 – Additional Community Aspirations</p>	<p>Additional Community Aspirations</p> <p>It is useful to see these included within the Neighbourhood Plan. The list of aspirations includes the following: <i>'The River Blackwater and its environment to be the boundary for the New Forest National Park.'</i> The National Park Authority is listed as being responsible for this aspiration.</p> <p>In response we would highlight that the boundary of the New Forest National Park can only be amended by the Government (through Natural England) through a formal review process. The National Park Authority itself has no power or remit to amend the boundary, which was confirmed by the Government in 2005 following a detailed landscape assessment and consideration against the statutory National Park purposes. The Government has not indicated that it has any plans to review the boundary of the New Forest National Park in the foreseeable future. If this aspiration is to remain in the Neighbourhood Plan we would suggest that Natural England are listed as being responsible for it.</p>
<p>Glossary, page 128:</p>	<p>Suggest the following amendments are made to the wording in the Glossary relating to the New Forest National Park Authority:</p> <p>New Forest National Park Authority (NFNPA):– the Local Planning Authority for the area of the parish within the New Forest National Park majority of the parish</p>



Annex 2 – Draft Wellow Parish Design Code

New Forest National Park Authority representations 11 December 2023

Draft Design Guide Para / Figure / Policy	NPA comment
1.0 Introduction, page 3, paragraph 2	<p>The flow of this section could be improved by re-wording to:</p> <p>“The Government has published a series of guidance documents, highlighting how well-designed places should be beautiful, healthy, greener enduring and how successful can be achieved in practice.”</p>
Page 27	<p>Amend the title to ‘Materials and Colour Palette Appropriate to the Area’.</p> <p>This section includes reference to waney edge weatherboarding, which the National Park Authority does not encourage within the National Park (or at least we do not mention it in the adopted New Forest National Park Design Guide (2022) as being acceptable).</p>
Code I.04 Material and colour palette, page 27	<p>Code I.03 discusses the preferred use of a soft rounded ridge (or flush) ridge which is encouraged in the National Park. Image of ridge detail shows a scalloped decorative ridge which is not a traditional feature. Page 30 also shows 3 images of thatched roofs under the title of architectural detailing/design features, each has a scalloped decorative non-traditional ridge.</p>
Code I.04 Windows, page 28	<p>This section of the draft Design Code states that windows should be ‘composed asymmetrically’ and ‘panes should be asymmetrical’. We are unsure what is meant by this, as the prevailing character of development in the National Park area is that the window design is symmetrical and often positioned symmetrically/regularly within the wall. We therefore query whether the reference on page 28 should be to encourage symmetrical window?</p>
Code I.04 Windows, page 28, paragraph 3	<p>It is suggested that the word ‘Muntin’ could be replaced with ‘glazing bar’ to improve the understanding of this part of the draft Design Code.</p>
Code I.05 Doors, page 29	<p>The first paragraph mentions a stable door design ‘as shown in the photo’. However, it is not clear in any of the 4 photos.</p>

Draft Design Guide Para / Figure / Policy	NPA comment
Code MS.02.2 page 44, paragraph 5	This paragraph states that no windows or doors should open directly onto a car park area. However, this seems to run contrary to the need for surveillance required elsewhere in the draft Design Code. We therefore suggest it is made clear that what is meant to that there is some form of buffer/privacy area between opening doors/windows and car park areas.
Code MS 05.2 page 50, paragraph 8	It is assumed that the paragraph 8 should read, "...on street parking should not dominate the street scene..."
Code BF05, page 61, point 6	Minor typo – "...consider the impact not only on the existing building ..."
Built Form and Roof Form, pages 65 - 66	There is a discrepancy in the language used across these two pages – for example, it is unclear whether the ridge tiles should match the colour of the roof tiles or not.
Code RO1, part (d), page 94	By stating solar panels are encouraged outside the National Park area of the parish it intimates that they are not encouraged within the National Park. This position does not accord with the local planning policies and design guidance for the National Park area, both of which support the installation of solar panels subject to appropriate design and siting.
Sustainable Drainage page 95, paragraph 4	This paragraph gives examples of flood resistance measures including using waterproof materials. We suggest this is caveated by stating that waterproof materials are often not breathable and therefore not appropriate for use on historic building/traditional construction.
Site Design Codes, pages 98 – 104	The site design codes for the two proposed site allocations in the Wellow Neighbourhood Plan are right at the end of the Design Code and have essentially one page dedicated to each site allocation (out of the 110 pages in the document). This is surprising, as this section could have been used as an opportunity to elaborate and prescribe the preferred design approach for these proposed site allocations.
General comment across the draft Design Code	There is an inconsistent application of the Key which indicates which character areas the individual codes apply to. For example, the 'Identity' chapter does not have the key under the codes, unlike other chapters. It also appears that apart from the site-specific masterplans, all the codes apply to all character areas, which effectively nullifies the need for the key. If this is the case, an alternative would be to have a single sentence at the beginning of the document that makes it clear the code applies to the whole Neighbourhood Area regardless of character area.
General comment across the draft Design Code	The draft Design Code is long (at over 100 pages) considering the parish of Wellow is unlikely to be the focus for major, large-scale development. There is a concern that this may be a barrier to planning applicants, the local community and decision-makers reading, understanding and using it.

Draft Design Guide Para / Figure / Policy	NPA comment
General comment across the draft Design Code	The reference to local materials and design is important and dividing the area into sub areas of Character Areas is useful. However, the use of Special Character Areas which follows this section re-uses the same numbering and names, e.g. Canada, is confusing. Canada is named as both Character Area 2, and Special Character Area 4.