

PALLS Objection to New Forest National Park Authority planning application 22/01024OUT

NFDC Local Plan Strategic Site 6, known as Land to the east of Lower Pennington Lane, is an allocated strategic housing site which adjoins the New Forest National Park within an area of narrow rural lanes, lined by mature trees, verges and ditches and without any footpath provision. The Rural Lanes are noted in local planning policy for their distinctive rural character and are heavily used for recreation by residents of the town and many from further afield. PALLS have engaged with your Authority to seek designation of the network of rural lanes which serve this part of the National Park as Quiet Lanes or under the current HCC Safer Lanes initiative and through the LCWIP - Local Cycling and Walking Implementation Plan and we are keen to continue this positive dialogue with your Authority.

The inclusion of a site as a strategic allocation does not mean that a grant of planning permission is automatic. The starting point is that the application has to be determined in accordance with the development plan unless material considerations indicate otherwise. That plan is the New Forest National Park Local Plan 2016-2036 and not the New Forest District Council Local Plan which has allocated the adjacent land to the north for at least 100 dwellings.

Background to the proposed development within the National Park

You will be well aware that your Authority has consistently raised concerns regarding the issue of the proposed access to this housing allocation. In his initial response to Mark Williams, NFDC Planning Policy Lead regarding the proposed allocation of what later became SS6 in 2017, your policy officer David Illsley wrote,

‘It is noted that a proposed access for this site would be through the National Park. We would need to discuss this in more detail with New Forest District Council (NFDC) should they consider the site for Local Plan allocation.’

No discussions took place. The principal issue as to whether or not the access through the National Park is essential was set out clearly in your representations to the District Council’s Submission Draft Local Plan in August 2018 when your Authority said,

‘As one of two proposed ‘primary vehicle routes’ the Authority would welcome clarification that the route through the National Park is essential for the proposed allocation to proceed; and if so how the access can be designed to minimise landscape impacts.’

Your Authority was not represented at the Local Plan Examination when it considered SS6 only submitting the written representation noted above. At the Examination the inspector made it very clear that issues relating to highways considerations were matters to be considered at planning application stage and confirmed the same to PALLS in writing after the close of the Examination. The inspectors were never presented with any evidence that the proposed access through the National Park was essential. It is our view that there has never been any technical necessity for the vehicular access onto Ridgeway Lane. There are multiple alternative access locations onto Ridgeway Lane outside of the National Park in the event that any access from that lane was required. In essence, this site could be delivered without any development in the National Park at all.

Again no discussions took place between your Authority and NFDC and there has subsequently been no pre-application engagement between the site promoters and applicant, Cicero Estates and your Authority. Cicero Estates assumed that your Council would relinquish its planning powers in respect of any development they wanted to carry out within the National Park. In 2018 they stated to NFDC that,

‘New Forest District Council will act as the determining authority with the National Park devolving its power to determine the application, in accordance with Section 70(1) of the Town and Country Planning Act 1990, to it.’

You stated in response to a FOI request from us in December 2018 that you had not agreed to devolve your planning responsibilities to the District Council and would not do so. You further confirmed that apart from your representation to the District Council’s Submission draft Local Plan August 2018, you had had no further meetings to discuss this site.

Cicero have only now applied to your Council for the development within the National Park because if they pursued a single application for the whole development they would be faced with the decision in respect of the land within NFDC being taken out of the hands of that Council and passed to Hampshire County Council for decision. Cicero Estates assume they can develop at will inside the National Park. The planning application documentation does not address the policies of your adopted Local Plan at all. They have treated your Authority with arrogance and disregard throughout the Local Plan process and submission of this planning application.

We are concerned that your policy officer’s advice on this application appears to say that the inspector’s reference to the proposed access point within the National Park effectively prevents you as planning authority for the National Park from considering the principle of the proposed access through the National Park, limiting it to consideration of landscape impacts only.

We appreciate that your Authority will be under pressure to facilitate the delivery of a strategic housing site allocated by an adjoining planning authority. However, it cannot be right that a decision taken by inspectors in respect of development outside of your authority area prevents you from considering all aspects of a development proposal within it. There is no support in your adopted Local Plan for the development now proposed in this planning application. It was open to your Authority to include reference to development to facilitate SS6 within the New Forest National Park Local Plan, given that it was adopted a year after the site was allocated, in the submission version of the NFDC Local Plan but you did not do so. The correct approach is to consider the proposals in the light of your adopted Local Plan policy taking into account the inspectors report into the NFDC Local Plan as a material consideration.

PALLS’ OBJECTIONS

Objection to inappropriate and unjustified development within the New Forest National Park:

25% of the area now proposed for development in this application is within the National Park – this comprises two access roads and the excavation of 2,411m³ of material to construct a drainage basin. None of this land falls within the allocated SS6 site. PALLS consider that this major development within the National Park is both excessive and wholly unnecessary and conflicts with the two National Park purposes:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the New Forest and
- To promote opportunities for the understanding and enjoyment of the special qualities of the New Forest by the public.

If a drainage basin is essential it should be sited within the allocated site and we are not aware of any technical reason why this cannot be done. The application sets a dangerous precedent for other potential development sites close to the National Park if it allows essential infrastructure for housing estates outside the National Park to be developed within it. The National Park Authority has consistently rejected this approach, insisting that all infrastructure requirements must be met within the boundaries of the respective site allocations. This planning application should be rejected on this ground alone.

The application further breaches your Authority's approach to strategic housing sites on its boundaries in two other respects: the developed area extends right up to the National Park boundary in the south-eastern corner and two areas of ANRG (formerly SANG) are proposed within the National Park, north of the drainage pond and south of the proposed estate access road despite assurances made by the applicant to the contrary in the Planning Statement. A further area of roadside verge south of Greencroft adjacent to Ridgeway Lane is shown as public open space on the Site Layout but as ANRG in the Design and Access Statement (p23), one of many discrepancies and inconsistencies in the planning application documentation. We have listed some of them in Annex A to this objection.

If you accept that the existence of a recessed agricultural field gate from Ridgeway Lane, of which there are many across the area of the National Park, justifies its enlargement and urbanisation to create a suburban access road to a residential housing estate, this creates a dangerous policy precedent which could be repeated multiple times across the National Park.

Objection to vehicular through-route and harmful impact on the New Forest National Park

The reason given at the plan examination for a continuous vehicular through-route linking Lower Pennington Lane and Ridgeway Lane and thus opening up all the lanes to the east of it, was that it would provide an alternative escape point for residents in the event of flooding in the south-eastern corner of the site. This reason was never tested and could, in any event, have been catered for by an appropriate control mechanism to allow for emergency access. It is PALLS' view that there is no need or justification for a through-route to service this strategic site and that it will create a car-dominated development which would conflict with the priority in the NPPF 2021 to be given to alternative transport modes (walking and cycling). PALLS consider that the policy requirement was included in Policy SS6 by NFDC for the sole reason that it was demanded by the site promoter. The through-route will create a rat-run, opening up the rest of the lanes to additional traffic not just from this housing estate but from Lower Pennington Lane, which is currently a long cul-de-sac serving residents, businesses, a caravan and camping site and a well-used leisure car park. The consequences for the rest of the lanes network, most of which falls within the New Forest National Park, would be severe. It is for these reasons that the local community object so strongly to the through-route. It would further undermine both designation purposes of the National Park.

Objection to the inadequate Transport Assessment, the urbanising effect of the proposed access and widening and straightening of Ridgeway Lane and Poles Lane, and the harm to heritage assets.

No independent highways assessment of the proposed allocation was undertaken at the Local Plan site allocation stage and the applicants themselves refer in the submitted Planning Statement to concerns from Highways officers about the proposal to create a through-route linking two of these rural lanes.

Appendix A of the submitted Transport Assessment includes a copy of an email from Highways Development Planning which could not be clearer.

‘My biggest concern remains the width on both roads – but Ridgeway Lane in particular.’

Both access lanes are wholly inadequate for the scale of the development which is proposed.

We have previously provided you with a detailed review of the submitted Transport Assessment. This sets out very clearly the deficiencies of the submitted proposal in transport terms and concludes that the application should be refused based on severe impact in accordance with the NPPF.

The planning application red line does not include all the development proposed in the National Park and excludes the area required for the widening and straightening of Ridgeway Lane. The same approach has been taken by the applicant for the other offsite works within the NFDC jurisdiction in their application to NFDC. This appears to be a deliberate strategy to avoid proper scrutiny of the proposals.

The planning application now before you for consideration differs from the proposals presented to the Local Plan Examination in that:

- A 1ha field within the National Park has been added to the application site for the excavation of an attenuation drainage basin to facilitate the drainage of the housing estate.
- There is now widening of Lower Pennington Lane, and passing places have been added at two points on Ridgeway Lane, north of the National Park boundary, which would in our view diminish the setting of these recreational lanes as they progress into the National Park, and increase vehicle speeds with a consequential risk to the many existing recreational users of the lanes.
- The Ridgeway Lane - Poles Lane junction is proposed to be further urbanised through widening and straightening. This will impact the setting of the National Park and the Grade II listed Wood End House, and increase speeds even further. The widening of Poles Lane will increase speeds along that even narrower lane which is heavily used by pedestrians to access the salt marshes, and it will generate additional vehicular traffic into the whole of the lanes network south of Lymington.
- The straightening and widening of Ridgeway Lane for the junction with Poles Lanes requires third party land not in the control of the landowner or adopted highway.

These proposed works would destroy the form and character of this part of the historic drovers routes which make up these lanes. The submitted Heritage Assessment omits any reference to the proposed works or their impact on the National Park and specifically the Grade II listed Wood End House, the curtilage of which spans Ridgeway lane at this point. The Heritage Assessment specifically notes the importance of the lane to the setting of Wood End House but inexplicably omits any reference to the proposal to seriously harm that setting through the realignment of the lane immediately adjacent to the property.

Objection on grounds of harmful impact on Ecology and Biodiversity

We have already sent you a review of the submitted Ecological Information produced by ecologist Jonathon Cox which clearly demonstrates the failure of the submitted information to properly assess the Priority Habitat type Wood-Pasture and Parkland that makes up both the application site and the wider pastoral landscape of this part of the New Forest within the National Park. We would ask you to please ensure that the deficiencies in the submitted Ecological Impact Assessment, Habitats Regulation Assessment and Biodiversity Net Gain calculation are addressed and subsequently properly assessed with appropriate re-consultation. The application cannot be properly assessed without adequate information on its environmental impacts and should be refused in the absence of this information.

The application takes no account of issues of coastal squeeze or sea level rise. A realignment of the sea wall is already under consideration and likely to result in extra pressure on habitat and bird populations bringing them closer to the development site. Pushing the development yet further south into the National Park exacerbates this issue and should not be permitted.

Objection to the proposed drainage strategy

In addition to our objections noted above regarding the unacceptable siting of the proposed drainage basin, the water table readings were taken during the summer months when the groundwater was at its lowest. The proposal is not to line the attenuation pond notwithstanding that the natural water table level will increase during the winter months when the attenuation pond will be required. The pond will need to be lined with an impervious material to be fit for purpose. The application cannot be properly assessed until the attenuation pond is properly modelled using up to date water level data.

The application provides no details of how the 2411m³ of excavated soil to create the drainage basin will be dealt with. If it is to be moved off-site the traffic impact should be properly assessed, if not, details of where the fill will be located must be provided and an appropriate assessment of the consequential changes in levels of the site properly assessed.

Objection to the harmful impact on Oakhaven Hospice

The proposed new access road to the south of Oakhaven Hospice is wholly within the National Park. Its realignment will result in the removal of access by the hospice to 21 existing car park spaces which Oakhaven Hospice currently use along their southern boundary. This differs substantially from what was presented to the Inspectors which showed an access road utilising the existing roadway which is situated within NFDC administrative area. This will conflict with the site specific

requirement for additional visitor car parking for the hospice set out in NFDC policy. It will also extend the built development further into the National Park.

Conclusion

We object to this planning application because it conflicts with both the twin purposes of National Park designation and does not comply with the policies of your adopted Local Plan. It would have a seriously detrimental impact on the ecology, landscape and recreational value of the site and surrounding area and set an alarming and very serious precedent for significant built development within the National Park to facilitate the development of a large housing estate on its boundary. The application is in conflict with Policy SP1 particularly criteria c), d) and e), Policy DP2 criteria a), b) and c), Policies, SP5, 6, 7, 9 and 11, Policies SP15, 16 and 17, SP18 and SP55. On behalf of its 750 members drawn from a wide area of Lymington, Pennington and the surrounding area, PALLS requests that your Authority refuses this planning application.