

## CONSULTATIVE PANEL MEETING – 5 June 2025

### CHAIR'S REPORT

**Report by:** Brian Tarnoff, Chair, New Forest Consultative Panel

#### **1 Chair's Notes on the Previous Meeting 6<sup>th</sup> March 2025**

##### **1.1 Re-Election of Chair**

I was re-elected as chair, running unopposed. I may only hope that this was likely more a sign of approval, than disillusionment with either the Panel, or the democratic process.

##### **1.1 Local Plan Consultation Direction of Travel – New Forest National Park**

David Illsley, Planning Policy Manager, New Forest National Park presented on the first stage in the Local Plan Review. The consultation was based on the Direction of Travel document which sets out the areas considered to be 'in scope' for review.

The Q&A included points / questions made by Panel members:

- What are you doing to protect the stock of small houses, or prevent those who might maximize footprint through extensions
  - We have by far the most complicated policy of any National Park to stop that kind of incremental growth (one provision sets a "base year"). In some instances, like loft extensions where there is little visual impact, the inspectors have gone against our decision.
  - @15,000 houses in the Park, 75% 3,4,5 or more bedrooms, the stock skews towards the bigger properties. We have a need for 1-2 bed properties. The draft document limits new builds to a modest 100sqm (South Downs allow 120sqm).
- Could Supplementary Planning Documents help reduce increased density in our villages.
  - The Government has proposed, but not followed through, abolishing SPD. Its fair to say that planners still see the value of retaining SPD, or finding ways to embed them into the local plan.
  - Wary of starting work on any new SPD given the uncertainty.
  - Scope for density may be pursued, but avoiding creation of tower blocks.
- Light Pollution limitations: can planning stipulate motion sensors on external lighting. The Park may want to claim International Dark Sky Reserve (IDS) status.
  - Nothing for new builds.

- Possible conditions for extension permissions.
- Chair's retroactive note: my personal experience of trying to find a spot in the Forest to view the Orionids meteor shower was very much thwarted by our proximity to urban and suburban light pollution. I doubt that any policy will succeed in getting Southampton, Bournemouth and Salisbury to turn their lights off. We will never have the Dark Skies of the more remote Moor based Parks.
- Does the National Planning Policy Framework formally acknowledge the Duty on other Authorities to Further the Park's Purposes as specified in the Levelling-up and Regeneration Act 2023
  - The "setting" of the National Park is referred to in the NPPF, referencing the limitations on development within the Park, but is fuzzy on how / at what distance the "setting" of the Park applies outside the Park.
  - The NPPF does not explicitly refer to S.245 of LURA 2023.
  - However, updated government Guidance on Planning and National Parks was published the same month as NPPF, and this does helpfully include the implications of the strengthened duties in legislation.

## 1.2 National Park Authority

Steve Avery presented a wide variety of topics, including updated National Planning Policy Framework (NPPF), Planning reform working papers on Planning Committees, and Development and Nature Recovery, and the White Paper on Devolution. Particular focus was given to shifts in planning and the Government Guidance on how to apply the strengthened duty imposed by LURA 2023. The Guidance usefully indicates that this applies to Planning decisions generally, and to the formulation of Local Plans by other Authorities in proximity to the National Parks. The Q&A included points / questions made by Panel members:

- Further clarification about the status of the Keyhaven Biodiversity Net Gain mitigation site – land purchased by the Environment Agency.
  - Possibly due to rumours that the Government would drop BNG requirements, the landowner put it on the market. The Environment Agency aiming to ensure that the land would still be used for BNG or similar benefit stepped in.
  - Remark was then made that this showed a downside of the commodification of habitat.
- Have you been involved directly in the discussions around the possible merging of local authorities, or are you on the sidelines?
  - We have not been party to some of the "high tier" discussions with the leaders of those authorities. But latterly "elbowing our way to the table"

through our Chair, Chief Executive and National Parks England asking those questions of government.

- Would the currently outstanding judgement to review the appeal allowed by the Inspector for an instance near Linwood, heard in the High Court on 4<sup>th</sup> December 2024 be helped by the recent Dedham Vale / Manningtree Station Essex case that legally tested and affirmed S.245 of LURA 2023, finding that the Government had not followed their Duty to Further the Park's purposes.
  - In that case, the Government had withdrawn, and the New Forest NPA have invited the Government to follow suit and withdraw in this instance. The Government claimed that there are markedly different issues and did not withdraw. However, the decision has still not come down three months later, which is unusual.

### 1.3 NFDC

Derek Tipp discussed local government reorganization and the relevant consultation.

The Q&A included points / questions made by Panel members:

- Clarification sought over the consultation, which level is being consulted upon, County and/or the merger of Districts.
  - It does seem like asking retroactively for approval. The Government have already cancelled the elections so seem to be going forward regardless.
- What is more likely as a “team up” with NFDC, Test Valley or Southampton?
  - Didn’t want to speculate, had heard some Southampton suggestion that the Waterside be split off to combine with them, seeing it as more akin to their docks and territory. NFDC would be very much opposed to this.
- Speculative supposition was made suggesting that devolution was supposed to be about growth, and that somehow this contradicted the National Park, allegedly against growth.
  - Of course, both within and outside the Park, growth has to be done in the right way and not conflict with the Park purposes. This doesn’t make policy anti-growth.
- The Waterside is within the “halo” of the National Park, so carving it off for Southampton would be against the purposes of the Park.
  - NFDC agrees, and the Government has already said that there would have to be exceptional circumstances for that sort of division under this process in any part of the country.
- Follow up suggested perhaps this should fall the other way, and the Waterside and other relevant areas should be added into an expanded version of the Park.
- Practical considerations, who provides services?
  - The status quo remains, NFDC provides waste and other services, continues developing Local Plan and other policies, until such time as another system is in place.

- Are we going to get a vote on the final proposals?
  - Thinks we should, but unlikely. If we were to dig our heels in, the Government would simply insist. We'll be "consulted" but don't know what notice they'll take. Do put your views forward.

#### **1.4 Forestry England**

Craig Harrison's presentation publicly debuted the plans to roll out car parking charges for the 130 car parks that FE manage on the Crown lands. Citing a number of factors including the slim funding for Forestry England from central government, rising costs and increasing difficulties of maintenance with more extreme weather, he stated that lack of a sustainable funding was severely impacting their ability to operate. While they had not had to take the step of redundancies, staff leaving are not being replaced. Craig offered that car park charging would be key to sustainable funding, but would also deliver:

- Increased ranger presence and engagement
- More interventions to prevent informal and other irresponsible parking
- Regular maintenance of car parks

While the proposals are at an early stage the scheme could include:

- Charging would be implemented simultaneously across all 130 car parks (phasing could create displacement)
- All day permit covering parking in more than one car park across the day
- Annual subscription, in line with the charging scheme FE have imposed across the rest of their estate.
- Work will be done to make charging level affordable and fair.
- An Enforcement team would be hired, who would also act as rangers
- Cashless system
- Physical tickets from machines in some car parks
- Pay by app in car parks without machines
- Unclear on practicality: Need for machines / power / phone network reception

The Q&A included points / questions made by Panel members:

- Contention that as the Forest is subject to Commoners rights, that any income for charging for parking on that land should be shared to those with Common rights.
- Timescale for car park charges introduction???
  - A combination of legal/regulatory hurdles, production of signage etc.
  - Some challenges for local restrictions, standards from elsewhere won't work here.
  - Spring 2026, likely realistic target.
- NFDC Car Park Clocks (annual short stay clocks 2025 price – £45), will the charges be similar, local discount?

- FE's current National scheme charges £94 per annum.
- New Forest scheme will be lower, but not clear whether it would be commensurate.
- Will you be building more car parks to meet possible demand?
  - No
  - This is an internationally designated area, there are limitations...
  - There are @4,000 car parking spaces on the FE estate within the New Forest, the Footprint Ecology Visitor survey (published May 2020) estimated @3,000 spaces in use at peak on the busiest day within their 12 month survey.
- Verge Parking needs to be addressed before introducing charges which would exacerbate that problem
  - FE are looking at known hot spots, monitoring others
  - Work done on HRA and Footprint Ecology has identified some displacement problem sites
  - Work started with Hampshire County Council to develop Traffic Regulation Order to address verge parking
  - Would not want to put precautionary measures in place across the whole Forest unless actually necessary
- What about displacement of parking impacting on local villages / residents?
  - Working with NFDC and HCC who have powers over those areas.
- Would there be multi-day passes for tourists and other temporary visitors?
  - Not within the current plans
- Is this a done deal?
  - FE's intent is to implement charging.
- Will there be exemptions / discounts for low income / members of charity organizations / working Forest?
  - These may be considerations going forward.
- Noted that some car parks managed by others, Lepe for example charges up to £8 a day, and HCC will be introducing charging, rates unknown, to car parks they manage on the Forest.
- New Forest is possibly the only National Park that doesn't have Car Parking Charges
  - Charging could be a useful tool for Recreation Management
  - SANG, Dog Parks and other alternatives outside the Forest may become more attractive
- Substantial Investment, will there be any effort to keep the funding within the Forest or help Commoning?
  - Some new jobs may be created
  - There's no way to give preference to Commoners for those jobs

- National Trust have displacement problems, verge parking (some of which they've addressed through aggressive roadside ditching)
  - FE will attempt to re-engage with National Trust on the issues.
- Common rights are a type of property right, charging those who have those rights to access that property may be a legal issue.
  - Support for the working Forest is a key issue and there will be some exemptions worked out
  - Broader issues of access to anyone who has those rights whether or not they exercise them has not been factored in at present.
- Are there revenue projections?
  - Some work has been done; it is unclear as to whether it would fully close the gap.
- On the back of discussion of whether the revenue could be effectively ringfenced, the Chair brought the discussion to a close with these observations:
  - Forestry England has legal and policy obligations under Habitat Regulations and the Minister's Mandate to maintain habitat and amenity.
  - This has already proved unsustainable under the current funding model which requires 85% of FE's cost to come from revenue. Car park charges may only add slightly to that revenue.
  - It is a national shame that the maintenance of the New Forest is severely underfunded as reflected in the meagre grants to both FE and the National Park.

## 1.6 Verderers

Anthony Pasmore expressed the Verderers concerns about the impact on backup land from development in and near the Forest, and the planning authorities role within this. Diminishing backup land would destroy Commoning.

The Encroachments Committee (which includes the Verderers and who had met earlier that day) had unanimous agreement that, whether the car park charging scheme was good or bad, it should not go ahead until there is a comprehensive scheme dealing with the whole Forest. FE have ignored the effect on other landowners of pressure deflected onto their land, leading to absolute chaos. The Verderers will likely support car parking charges once this has been properly planned, which it doesn't seem to be at the moment.

## 1.7 AOB

The Chair did a "straw poll" to table his proposal that due to changes in panel meetings, Panel members would be invited to consider whether they would prefer panel meetings to start at 7:00pm or 7:30pm. A discussion will be held during the June meeting which may lead to a proposal to be voted upon in September.

## **2 Updates**

### **2.1 Badger Cottage decision and the Duty to Further Park Purposes**

This High Court case which the Panel discussed with Steve Avery during the March 2025 meeting was dismissed on 28<sup>th</sup> March. The case had been suggested as a further precedent for the utility of the Duty to Further the National Park purposes, so its failure may be a bit of a disappointment. I won't pretend to suggest this one way or the other, or to have followed all the niceties, so please take my cursory, non-legal summary with a large grain of salt (or read for yourself the published legal summaries and judgement below):

The judge and the inspector accepted that the application had fallen foul of the Park Plan's Policy (DP36, and had indeed exacerbated previous infractions of that policy meant to curtail creeping extensions which, in aggregate, had increased floorspace by 75%). However, the judge suggested that the Inspector had not acted improperly as he somehow had free rein to both interpret the intent of the Park's Plan (and was allowed to ignore the policy specifics on this basis), and whether or not the application furthered National Park purposes (with no burden to provide justification). Oddly, the case claims there is no precedent for applying S.245 of LURA 2023, even though the Dedham Vale judgement came down 28<sup>th</sup> January 2025 (no accounting for timeframe / overlap of submissions).

The Dedham Vale case did concern a clear cut landscape scale visual impact, the backing of a local pressure group, and the Campaign for National Parks. Badger Cottage concerns an isolated property, the application of a fiddly mechanism to deter continual extension, previous unchecked breaches, and the arbitrary notion of local character. Hopefully the Dedham Vale case is the stronger precedent in the future.

Full Judgement:

<https://www.bailii.org/ew/cases/EWHC/Admin/2025/726.html>

Two summaries that draw slightly different conclusions, and incorrectly cite this as the first S.245 case:

<https://www.townlegal.com/wp-content/uploads/Town-Legal-Summary-2025-EWHC-726-New-Forest-NPA-4131-4856-0731-v.1-1.pdf>

<https://www.ftbchambers.co.uk/news/news-view/high-court-gives-first-judgment-on-scope-of-s.245-protected-landscapes-duty>

News of the Dedham Vale Society's successful case citing S.245 LURA 2023:

<https://www.dedhamvalesociety.org.uk/articles/secretary-of-state-admits-to-error-of-law-in-victory-for-dedham-vale-society>

<https://www.richardbuxton.co.uk/case/national-landscape-car-park-expansion-challenge/>

### **3 Statutory Member Updates and Current Presentations for June Meeting**

#### **3.1 National Park Authority – Nigel Stone, CFO / Head of Resources**

Nigel has just been handed the indifferently served chalice after Steve Avery's departure.

His headline item list includes:

1. NPA Funding & Facilities (the lease on the Town Hall expires in November 2026)
2. Local Plan Review, Consultation results and next steps.
3. A326 Widening Planning Application / Hampshire County Council
4. Vernon Dene – Judgement in favour of the NPA handed down 16<sup>th</sup> April 2025

<https://www.casemine.com/judgement/uk/67fff771c87ef7163f332c9e>

Appeal to Supreme Court pending (Note: an earlier published version of this report mistakenly suggested the judgement was against the NPA).

#### **3.2 Forestry Commission – Craig Harrison**

Craig will present discuss his usual updates on Forestry, and perhaps any progress made on the proposals for the Forest Car Parks.

#### **3.3 NFDC – Derek Tipp**

Derek will speak about NFDC's support for business and business and community grants. He will update the Panel on the new consultation on planning reform (details, 4.3 below).

#### **3.4 Local Nature Recovery Strategy for Hampshire – Laura McCulloch, Head of Spatial Planning, Hampshire County Council**

Laura will introduce the consultation (details, 4.2 below), and take questions.

#### **3.5 “Pass the PEDALL” – Richard Taylor, Trustee “Friends of PEDALL”**

Richard, who also Chairs the Cycle Working Group, will update the Panel on the fine work of the cycling charity PEDALL and their “Pass the PEDALL” fundraising event.

### **4 Consultations / Other Pertinent Information**

#### **4.1 Hampshire County Council Countryside Access Plan 2025 to 2035 Consultation**

At our December 2024 meeting, Abby Sullivan gave the panel a presentation on The Countryside Access Plan (CAP) which includes the statutorily required Rights of Way improvement Plan (ROWIP) designed to set out how the Rights of Way network may be managed or enhanced it to meet the public's needs.

The consultation opened on 14<sup>th</sup> of May 2025 and closes on 6<sup>th</sup> of August 2025. Details of the consultation can be found here:

<https://www.hants.gov.uk/aboutthecouncil/haveyoursay/consultations/countryside-access-plan-2025-35>

If you have any queries about the consultation, please contact [CAP@hants.gov.uk](mailto:CAP@hants.gov.uk)

#### **4.2 Local Nature Recovery Strategy for Hampshire**

Local Nature Recovery Strategies are part of an overarching plan to deliver a National Nature Recovery Network. The strategy will be an input into local plans, guide the new biodiversity net gain scheme for development, shape funding for Environmental Land Management, and add to the evidence base for local planning authorities.

Yet another (partially concurrent) consultation from Hampshire County Council, open from 12<sup>th</sup> May until 11:59pm on 23<sup>rd</sup> June 2025. I recommend that members have a read of [the draft LNRS](#) so they may bring queries to the discussion.

For more information and to respond to the consultation:

<https://www.hants.gov.uk/aboutthecouncil/haveyoursay/consultations/LNRS-2025>

It is worth noting briefly, as tangential but relevant, that many conservation charities are raising the alarm over provisions in the current Planning and Infrastructure Bill that would weaken or subvert nature recovery, and override or water down the habitat protections. This could diminish the value and efficacy of the LNRS. Examples of these concerns may be read here:

<https://www.hiwwt.org.uk/news/planning-bill-breaks-labours-nature-promises-and-must-be-scrapped>

<https://campaigns.woodlandtrust.org.uk/page/169676/action/1>

#### **4.3 Reform of planning committees: technical consultation**

##### **Ministry of Housing, Communities & Local Government**

This consultation seeks views on proposals around the delegation of planning functions, the size and composition of planning committees and mandatory training for members of planning committees. It is in some ways tied to the proposals in the Planning and Infrastructure Bill. Steve Avery touched upon the relevant [Planning Reform working paper on Planning Committees](#) in his presentation to the Panel in March.

Consultation runs from Wednesday 28 May 2025 for 8 weeks.

<https://www.gov.uk/government/consultations/reform-of-planning-committees-technical-consultation/reform-of-planning-committees-technical-consultation>