

NOTICE OF MEETING

Meeting: CABINET

Date and Time: WEDNESDAY, 6 APRIL 2022, AT 10.00 AM*

Place: COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

Enquiries to: democratic@nfdc.gov.uk
Tel: 023 8028 5072 - Matt Wisdom

PUBLIC PARTICIPATION:

Members of the public may watch this meeting live on the [Council's website](#).

*Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the Cabinet's terms of reference which are not on the public agenda; and/or
- (b) on individual items on the public agenda, when the Chairman calls that item. Speeches may not exceed three minutes.

Anyone wishing to speak should contact the name and number shown above no later than 12.00 noon on Friday, 1 April 2022.

Kate Ryan
Chief Executive

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This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meetings held on 16 February and 21 March 2022 as correct records.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PUBLIC PARTICIPATION

To note any issues raised during the public participation period.

4. SUPPORTING OUR COMMUNITIES (Pages 3 - 6)

5. ADOPTION OF THE PARKING STANDARDS SUPPLEMENTARY PLANNING DOCUMENT (SPD) (Pages 7 - 46)

6. LOCAL PLANNING ENFORCEMENT PLAN 2022 (Pages 47 - 66)

7. INTRODUCTION OF S106 MONITORING CHARGES (Pages 67 - 74)

8. STRATEGIC RISK REGISTER (Pages 75 - 80)

To:

Councillors

Edward Heron (Chairman)
Jill Cleary (Vice-Chairman)
Diane Andrews
Geoffrey Blunden

Councillors

Steve Davies
Michael Harris
Jeremy Heron
David Russell

SUPPORTING OUR COMMUNITIES

1. RECOMMENDATION

- 1.1 That the Cabinet approve the utilisation of government funding towards Citizens Advice New Forest of £35,000 to fund a Debt Supervisor for two years to build up resilience with debt advice to support our residents.
- 1.2 To continue to work with our partners to explore further funding options and initiatives to support our communities.

2. INTRODUCTION

- 2.1 In response to COVID-19, the government allocated funding to provide additional support to council taxpayers which could also be used to deliver increased financial assistance through local support mechanisms. Consideration will be given to utilise the residual funding, with the first initiative being proposed to support Citizens Advice New Forest (CANF) with their debt advice service.
- 2.2 CANF have a funding agreement with the Council to provide general advice, support and information on a wide range of issues including debt, benefits, housing, and employment to all residents of the New Forest.
- 2.3 CANF currently receive funding from the Money Advice and Pension Service (MAPS) which funds a small team providing specialist support and advice to people with money problems. The funding from MAPS is changing from April with a recommissioning of the service across England, which will significantly reduce the element of face-to-face debt service. Although MAPS have stated that funding for one case worker for CANF will continue until January 2023, the overall support will be shared between all Citizens Advice offices across Hampshire with between 5 and 7 Debt caseworkers being available to provide the service via telephone or webchat. As this includes Portsmouth and Southampton, it is likely that there will be minimal resources available to residents of the New Forest.

3. BACKGROUND TO CITIZENS ADVICE NEW FOREST

- 3.1 In 2020/21 CANF supported 5,600 clients with 14,000 issues. Of these, 47% were disabled or had long term health conditions (including mental health). Debt was one of the most common problems. The support given on debt is summarised below, highlighting the increase in demand, and that clients have multiple debt issues:

Year	No. of clients	No. of debt issues
2020/21	484	1,415
2021/22 (to 28.2.22)	559	1,631

3.2 The types of debts issues in 2021/22 are summarised as follows:



3.3 CANF predict that with the increase in demand, due to the impact of the pandemic and increasing utility bills as the cost-of-living increases, this will only increase in the months ahead. CANF state that research demonstrates the link between debt and the adverse impacts on physical wellbeing and mental health, as well as the risk of homelessness, which impacts directly on our Housing Teams.

3.4 As part of their outreach work, CANF work in partnership with FareShare and attend the weekly Food Larders and provide outreach support and advice. By meeting people in their community this has proved extremely beneficial, supporting our most vulnerable residents with their needs.

4. CURRENT DEBT SERVICE PROVISION

4.1 CANF provide general debt advice and information through their core work, e.g., utility, council tax and rent arrears, to all residents across the district. In addition to their core work, CANF currently have 3 specialist debt advice workers and a trainee who undertake more challenging and complex casework with people with multiple debts, including priority debts, and issues. The specialist advisors work to strict guidelines and comply with the rules of the Financial Conduct Authority. This is achieved using an external assessor from the national Citizens Advice who reviews cases. Where a Debt Relief Order is appropriate CANF use national Citizens Advice debt workers.

4.2 Where a taxpayer or tenant is in arrears, we often signpost to CANF. CANF are reporting increased enquiries due to debt, with often council tax and rent arrears being a significant factor, and this increase is expected to continue. Often there are multiple issues and CANF look holistically to provide additional advice, support and information.

4.3 Over the years the team have built up a good foundation of knowledge and skills. Due to the MAPS funding ending these posts will not be extended, and therefore the level of support for specialist debt advice will reduce.

4.4 Another service which provided debt advice, Waterside Debt Advice, no longer operates, thus reducing the support available to residents in the district at a time when demand for this service is increasing. There are national organisations that can provide advice and information; however, these are generally telephone based and do not offer face-to-face services, with local knowledge and information, e.g., for

signposting for additional support. Face-to-face support is more beneficial with complex cases.

5. PROPOSED DEBT SERVICE

- 5.1 Whilst the general advice CANF can support people onto the pathway on sorting out their debts, it is focused, local face-to-face specialist in depth debt casework that can properly support people with their complex debt issues.
- 5.2 The Council can utilise a proportion of the COVID-19 Hardship funding to further support our most vulnerable residents who are struggling with arrears and debts. The funding of £35,000 will enable CANF to recruit a trained Debt Supervisor for two years, working 24 hours per week, to manage, coordinate and train the debt advice team and build up the debt service CANF provides to provide resilience and a sustainable service.
- 5.3 CANF are keen to continue and develop their specialist debt advice team and support residents with face-to-face advice, with support to a minimum of 360 residents per year, with many requiring multiple appointments to deal with their issues. The Debt Advice Supervisor and their team will focus specifically on in depth debt advice and casework to clients with complex and/or multiple debts to a workable solution and conclusion, which can take several hours and over a number of appointments, including budgeting, Debt Relief Orders (which will be done “in house”), money advice, negotiating with creditors, empowering residents to avoid repeat indebtedness and liaising with landlords to prevent evictions. The team will work with other partner organisations and will also provide training for their volunteers to increase the overall knowledge across CANF on debt, thus upskilling volunteers and providing a sustainable debt advice service.
- 5.4 The Debt Supervisor will keep up to date with legislation, case law, policies and procedures relating to debt advice, and provide technical support to debt advisors. The Debt Supervisor will monitor the quality of work and advice given and develop and maintain service standards. This will keep the service “in house”. As well as working with the Council, the role will also work with partner organisations, including Food Banks, Social Prescribers and family support groups.
- 5.5 CANF will provide regular monitoring information, including the number of clients assisted, the types of debts and financial outcomes.

6. WIDER COMMUNITY SUPPORT

- 6.1 The Council is supporting our most vulnerable residents in a number of ways, including the (government financed) Household Support Fund and the £150 Energy Rebate payment.
- 6.2 Supporting CANF with their debt advice service across the district is another example of targeted support. As part of a wider consideration on supporting communities, we will work with partners to explore and identify any emerging issues and review and consider further funding options to maximise use of the funding we have received and provide wide ranging additional support where it is most needed.

7. FINANCIAL IMPLICATIONS

- 7.1 The cost of £35,000 to support Citizens Advice New Forest is to be funded from COVID-19 Hardship Funding of £122,000. The remaining funding will be used to provide further support to our communities as stated in section 6.

8. ENVIRONMENTAL, CRIME & DISORDER IMPLICATIONS

- 8.1 There are no environmental, crime or disorder implications.

9. EQUALITY & DIVERSITY IMPLICATIONS

- 9.1 This funding will provide support to our most vulnerable residents, including undertaking outreach work to target residents.

10. PORTFOLIO HOLDER COMMENTS

- 10.1 I endorse the recommendations in this report, which ensure that CANF, who this Council values highly, can add targeted support to our most vulnerable residents.

For Further Information Please Contact:

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CABINET – 6 APRIL 2022

PORTFOLIO: PLANNING, REGENERATION AND
INFRASTRUCTURE

ADOPTION OF THE PARKING STANDARDS SPD: SUPPLEMENTARY PLANNING DOCUMENT

1. RECOMMENDATIONS

- 1.1 That the Cabinet agree that:
 - a. The “Parking Standards” be adopted as a Supplementary Planning Document (SPD)
 - b. That the existing Parking Standards SPD (October 2012) is superseded
 - c. Prior to publication, the final editing of the document (attached in Appendix 1 to this report) be agreed by the Executive Head for Planning, Regeneration and Economy in consultation with the Portfolio Holder for Planning, Regeneration and Infrastructure

2. INTRODUCTION

- 2.1 The purpose of this report is to seek approval, for the adoption of the Parking Standards Supplementary Planning Document (SPD) in support of the adopted Local Plan 2016-2036 Part 1: Planning Strategy (July 2020), and in particular Policies CCC2: ‘Safe and sustainable travel’, Policy IMPL2: ‘Development standards’ and ENV3: ‘Design quality and local distinctiveness’. The document will provide more detailed direction to developers on the parking standards they are required to meet in new developments. The policies it relates to have already been adopted by the Council when adopting the Local Plan 2016-2036 Part 1: Planning Strategy.
- 2.2 Cabinet agreed at its November 2021 meeting that the draft Supplementary Planning Document was consulted on. The period of public consultation ran from 26th November 2021 to 14th January 2022.

3. BACKGROUND

- 3.1 In October 2012 the Council adopted its ‘Parking Standards’. This provided additional guidance to the implementation of Policy CS24 and CS25 of the Core Strategy adopted in 2009. These policies have now been superseded by Policies CCC2, IMPL2 and ENV3 in the recently adopted Local Plan 2016-2036 Part 1: Planning Strategy (July 2020).
- 3.2 The draft SPD now proposed for adoption has been amended from the previous 2012 Parking Standards SPD, to take account of the step changes in national and local policy, ensuring that the standards achieve sustainable development in the context of climate change, acknowledging the Council’s recent declaration of a climate and nature emergency, and other drivers. The draft SPD to be responsive to local circumstances regarding the availability of parking and accessibility.
- 3.3 Of particular note is the revised National Planning Policy Framework (NPPF), which promotes sustainable transport that will in turn contribute to wider sustainability and health objectives through reducing the need to travel and ensuring active travel choices are pursued. Hampshire County Council’s emerging Local Transport Plan 4 has also identified two guiding principles for its Plan’s development including firstly significantly reducing dependency on the private car and reducing the overall need to travel, and secondly creating a transport system that supports high quality, prosperous places and puts people first.

3.4 A Councillor Task & Finish Group was set up to steer the preparation of the SPD.

4. MAIN ISSUES RAISED IN THE CONSULTATION

4.1 There were 25 respondents to the consultation.

- Local residents and interest groups (8)
- Town and Parish Councils (5)
- Other organisations, including the Highways England, Natural England, New Forest National Park Authority and Hampshire County Council Public Health (8)
- Developers and Landowners (4)

4.2 The consultation asked series of questions about the scope and contents of the draft SPD as well as allowing people to make comments more generally on a specific section, paragraph or table.

4.3 The comments received ranged from general views on the overall content and principles of the document, to more specific elements of detail on certain aspects. Comments made included those wanting to see greater provisions for safe / secure cycle parking to others suggesting there was not any part of the New Forest that has a level of public transport provision sufficient to deter car ownership.

4.4 There was broad support of the promotion of sustainable transport through the provision of minimum requirements for cycle parking, but also acknowledging that there are areas of the District more reliant on the car as a means of transport.

4.5 Some of comments received were outside of the scope of the document and related to the provision of further cycleways and other existing infrastructure.

4.6 The full representations received, together with a response to the comments made can be viewed on the website at: <https://newforest.gov.uk/article/2859/Parking-Standards>

4.7 The comments referred to above have been reviewed by officers and taken into account in preparing the final version of the SPD. Whilst minor amendments have been made, the approach set out in the document has remained largely unchanged. The main amendments can be summarised as:

- Status of document – clarification of the document’s status as guidance in support of adopted Local Plan Policies relating to car parking and its design.
- Clarify that reduce parking requirements for town centre locations refer to vehicles only, and that minimum cycle parking requirements remain in order to promote sustainable transport options
- Reflect recent changes to Building Regulations and the introduction of ‘Part S’, that now requires new development to provide electric vehicle chargers and associated infrastructure
- Providing further clarity of the wording – in particular around design, quality of the environment and the size of car parking spaces
- Ensure consistent reference throughout the document to cycle parking provisions to be located appropriately, and be safe, secure and accessible

- Reflect the more limited potential for Car Clubs in our District
- Rely on existing national and county requirements for Transport Assessments / Travel Plans and remove guidance on this from the SPD

4.8 Regarding points made outside of the SPD's scope, the Council is engaged with work developing options for improved infrastructure with HCC, through the emerging 'Local Cycling and Walking Infrastructure Plan' (LCWIP).

5. NEXT STAGES

5.1 Subject to Cabinet agreeing to adopt this Supplementary Planning Document, the document will be published as soon as practicable in its final form.

5.2 Following adoption, there is also a statutory 3-month period for legal challenges, during which any person with sufficient interest in the decision to adopt the Supplementary Planning Document may apply to the High Court for permission to apply for judicial review of that decision.

6. FINANCIAL IMPLICATIONS

6.1 The measures set out in this report will either be provided directly by the developer or be funded by Developers' contribution secured through legal agreement. This will help ensure that new development funds the necessary infrastructure to achieve sustainable development in accordance with the Local Plan, without being a burden on public finances.

7. CRIME & DISORDER IMPLICATIONS

7.1 There are none.

8. ENVIRONMENTAL IMPLICATIONS

8.1 The Supplementary Planning Document aims to ensure that all new development is achieved to a high standard of design and is sustainable. The SPD will help to address the Climate Change and Nature Emergency by encouraging reduced dependence on the car.

9. EQUALITY & DIVERSITY IMPLICATIONS

9.1 There are none.

10. DATA PROTECTION IMPLICATIONS

10.1 There are none.

11. PORTFOLIO HOLDER COMMENTS

11.1 Firstly I would like to thank the Task and Finish Group for its input on this work. Striking the right balance between providing sufficient parking to meet future needs and minimising the amount of land surfaced and set aside for parking is challenging. However this SPD strikes that balance and will provide valuable guidance to planners, developers, communities, Town and Parish Council's and the Planning Committee. Importantly the SPD will contribute to delivering sustainable development across the District and addressing the climate and nature emergency.

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Background Papers:

Published documents.

Parking Standards

For Residential and Non-Residential Development

Supplementary Planning Document

Appendix 1: Version for Cabinet Approval

March 2022



New Forest District (outside the National Park)

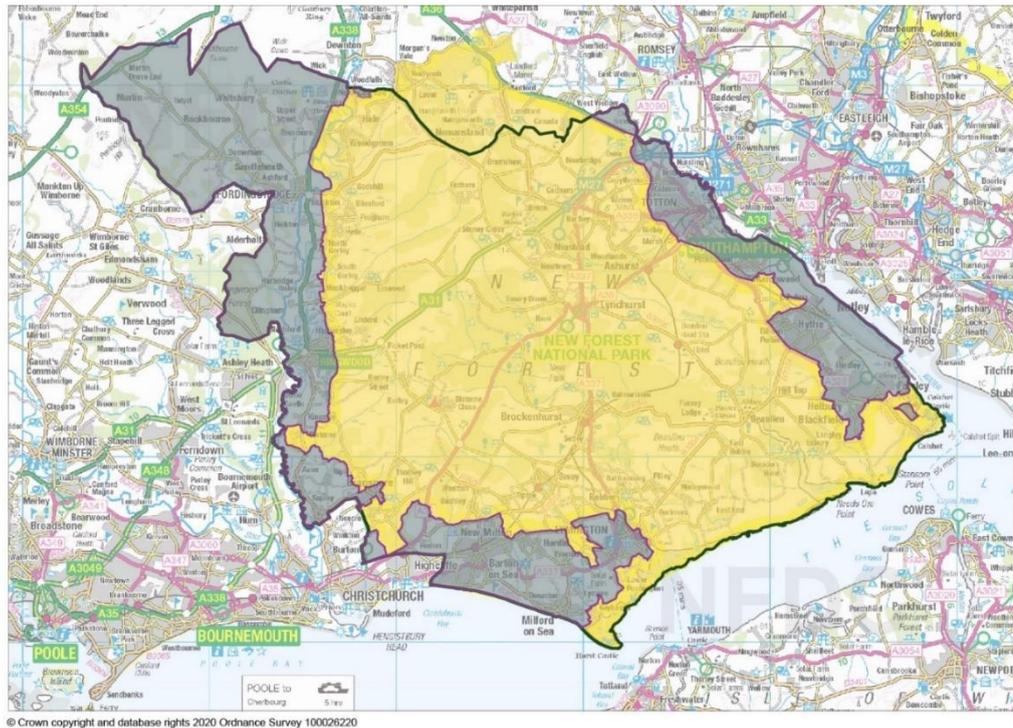
New Forest District (outside the New Forest National Park) Supplementary Planning Document: Provision of car parking and cycle parking in residential and non-residential development

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1: Introduction

- 1.1 This Supplementary Planning Document (SPD) sets out guidance to developers and others in respect of both residential and non-residential developments, including:
 - a) Car parking standards for residential and non-residential development and their split across the District
 - b) Minimum cycle parking standards
 - c) Electric Vehicle parking provision
 - d) Design and quality of the environment
 - e) Advice on motorcycle and scooter parking
 - f) Guidance for provision of disabled persons' parking spaces
- 1.2 The Council has prepared this Parking Standards SPD to ensure that it remains in line with current national policy and supports the policies from the Local Plan 2016-2036 Part 1: Planning Strategy (adopted in July 2020). This Supplementary Planning Document (SPD) replaces the 2012 SPD "Parking Standards".
- 1.3 The parking standards within this SPD need to achieve sustainable development through a balance of meeting the parking needs of the District, ensuring land is used for this purpose effectively, and taking account of climate change as a key driver for change. This is achieved through helping to prioritise opportunities to walk, cycle and use public transport as an alternative to the use of a car, an example of how this SPD can contribute to is through requiring sufficient cycle parking provision in new development.
- 1.4 The Parking Standards SPD provides further guidance to the Local Plan for New Forest District (outside the National Park) and in the context of the Plan's strategic approach to achieving sustainable development, will assist in the implementation of policies in the adopted Local Plan 2016-2036 Part 1: Planning Strategy (July 2020) and Local Plan Part 2: Sites and Development Management (2014). As well as ensuring the requirements for the type and amount of parking provision contributes towards achieving sustainable development, Local Plan Part One policies it supports are:
 - Policy CCC2: 'Safe and sustainable travel'
 - Policy IMPL2: 'Development standards'
 - Policy ENV3: 'Design quality and local distinctiveness'
- 1.5 The parking standards set out in this document apply to the New Forest District area (outside of the National Park) as shown in Figure 1.



Map 1: The Plan Area – New Forest District outside the National Park shown with grey shading

- 1.6 The aims of the parking standards contained in this SPD are to ensure that an appropriate level of vehicle and cycle parking is provided in all new developments to avoid the various problems created by both over- and under-provision of parking.
- 1.7 Changing transport technology and usage, and the impacts of climate change are further key drivers for the SPD. This is exemplified though NFDC recent declaration of a Climate Change and Nature Emergency and currently preparing an action plan¹. Reducing emissions of all major air pollutants is a major challenge and transitioning to zero emission road transport will require long-term solutions to address this..

2: Policies and Guidance

National Policy and Guidance

- 2.1 National guidance for transport is set out through the current National Planning Policy Framework (2021) and National Planning Practice Guidance (NPPG) provides the policy context and guidance to promote sustainable development.
- 2.2 Section 9 of the **National Planning Policy Framework** (NPPF) strongly promotes sustainable transport that will also in turn contribute to wider sustainability and health objectives through reducing the need to travel and ensuring active travel choices are pursued. National policy refers to a transport system being balanced in favour of sustainable transport modes, giving people a genuine choice about how they travel. It also requires all developments that generate significant amounts of movement to be supported by a Transport Statement or Transport Assessment to determine the likely impact of the proposed development (NPPF, paragraph 113).

¹ <https://democracy.newforest.gov.uk/documents/g7603/Public%20reports%20pack%2016th-Feb-2022%2010.00%20Cabinet.pdf?T=10>

- 2.3 Paragraph 107 of the NPPF specifically addresses car parking. It does not provide suggested standards, but instead sets out that if setting local parking standards for residential and non-residential development, policies should take into account:
- a. the accessibility of the development;
 - b. the type, mix and use of development;
 - c. the availability of and opportunities for public transport;
 - d. local car ownership levels; and
 - e. the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 2.4 Paragraph 108 states “*Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport....*”. Further to this, the paragraph explains that for town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
- 2.5 Regarding parking design, paragraph 110 set outs that in assessing sites for development, it should be ensured that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide² and the National Model Design Code³.
- 2.6 The NPPF paragraph 113 sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 2.7 At paragraph 131, the NPPF highlights that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Therefore, planning policies and decisions should ensure that new streets are tree lined.
- 2.8 The **National Design Guide**⁴ and the **National Model Design Code**⁵ provides detailed guidance on the production of design codes, guides, and policies to promote successful design. They make clear that how parking is arranged has a fundamental effect on the quality of a place or development.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf

³ <https://www.gov.uk/government/publications/national-model-design-code>

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf

⁵ <https://www.gov.uk/government/publications/national-model-design-code>

National Design Code

Paragraph 85

Well-designed car and cycle parking at home and at other destinations is conveniently sited so that it is well used. This could be off-street to avoid on-street problems such as pavement parking or congested streets. It is safe and meets the needs of different users including occupants, visitors and people with disabilities. It may be accommodated in a variety of ways, in terms of location, allocation and design.

Paragraph 86

Well-designed parking is attractive, well landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene. It incorporates green infrastructure, including trees, to soften the visual impact of cars, help improve air quality and contribute to biodiversity. Its arrangement and positioning relative to buildings limit its impacts, whilst ensuring it is secure and overlooked.

- 2.9 The **Manual for Streets** (MfS)⁶ still contains relevant principles and highlights a design-led approach is appropriate for all forms of developments. Parking should not be considered in isolation from other design parameters and consideration should be given to the type of parking provided and how it relates to its context.

Local Policy

- 2.10 The current Local Transport Plan 3 (LTP3) was adopted in 2011 with minor changes being made in 2013. LTP3 includes a policy objective of working with District authorities to agree coherent policy approaches to parking and recognises that availability of parking has considerable influence on travel choice and if not managed in a coordinated manner can act as a barrier to efforts to widen travel choice. The County is now preparing Local Transport Plan 4 and carried out public consultation earlier this year. The County has identified a set of proposed outcomes for the LTP4 which are grouped under four key themes which are:

- Carbon neutral, resilient Hampshire;
- Respect and protect Hampshire’s environment;
- Thriving and prosperous places; and
- Healthy, happy, and inclusive lives.

- 2.11 The outcomes define what HCC are seeking to achieve and provide the focus for how we collectively progress to considering the right solutions for Hampshire. They help to establish the scale of the challenge, and hence the types of transport interventions and approaches that will be necessary. There are two identified guiding principles for LTP4:

- Significantly reduce dependency on the private car and reduce the overall need to travel
- Create a transport system that supports high quality, prosperous places and puts people first.

- 2.12 In summary, this approach effectively looks at the delivery of a hierarchy in transport that first looks

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

at ways of reducing the need to travel, and then focuses on options for walking, cycling and public transport infrastructure provision, ahead of the private car.

- 2.13 The standards set out in this SPD have been updated from those in the previous 2012 Parking Standards SPD, to take account of the step changes in national and local policy, ensuring they achieve sustainable development in the context of climate change and other drivers, and are responsive to local circumstances regarding the availability of parking and accessibility.
- 2.14 Parking standards required in new development will need to contribute to the delivery of sustainable development and balance the provision of car parking with key drivers of change including climate change, to assist in shifting behaviour of the transport modes currently chosen in the different parts of the District. The strategic direction is set out in the overarching policies of New Forest District Council's Local Plan 2016-2036 Part 1: Planning Strategy (July 2020) provides this, including **Policy STR1** that plans for reducing reliance on the car creating options for sustainable travel modes including cycling, walking and public transport. Through the need for physical provision and good design, this is further reinforced by **Policy STR7** with Council support for major projects that improve accessibility for pedestrians and cyclists, and that also improve public transport, and **Policy STR8** that looks to ensure the provision of adequate community services, infrastructure and facilities.
- 2.15 From this overarching strategic direction, New Forest District Council's Local Development Plan contains the main policies relevant to parking and for which this SPD provides further guidance on their implementation. From Local Plan 2016-2036 Part 1: Planning Strategy (July 2020), this includes:
- **Policy CCC2:** 'Safe and sustainable travel' which requires new development to provide sufficient car and cycle parking, including secure cycle parking in schools and colleges, workplaces, bus and rail stations, and in shopping areas.
 - **Policy IMPL2:** 'Development standards', which requires the provision in development to enable the convenient installation of charging points for electric vehicles in residential properties and in residential, employee and visitor parking areas. Supporting text to this policy provides further information to ensure new developments are designed to enable the provision of such points
 - **Policy ENV3:** 'Design quality and local distinctiveness' requiring new development to integrate sufficient car and cycle parking spaces so that realistic needs are met in a manner that is not prejudicial to the character and quality of the street, highway safety, emergency or service access or to pedestrian convenience and comfort.

Neighbourhood Plans

- 2.16 There are currently two Neighbourhood Plans that have been made and adopted in the District, which also address car parking. These form part of the Development Plan for the District and are material consideration for relevant planning applications.
- 2.17 New Milton Neighbourhood Plan (2021) includes Policy NM4 (Design Quality) that requires development that incorporates well integrated parking that does not dominate the street environment, with consideration also be given to availability of electric vehicle charging points in communal parking areas.
- 2.18 Hythe and Dibden Neighbourhood Plan (2019) has a similar approach with Policy WEL2, where new developments should be designed so as not to exacerbate, and where possible improve, air pollution, traffic congestion, road safety and parking. New residential developments should provide infrastructure for charging electric vehicles.

3: Background Information

Public Transport in the District

- 3.1 Public transport provision in the New Forest District is currently limited. With regards bus provision:
- a) Routes - they generally follow the existing transport corridors, focusing on the main settlements rather than form a comprehensive 'spider's web'; and
 - b) Frequency and timetable – key routes (including services through Fordingbridge and Ringwood; Southampton and Lymington services; and main Waterside routes) do provide some evening and/or Sunday services, however remaining areas of the District do not have such service patterns.
- 3.2 The District is also served by railways that operate between Southampton, Portsmouth and London to the east and Bournemouth and beyond to the west. Stations are situated close to the centres of Totton and New Milton. In addition to this, though still regular, a less frequent shuttle service is provided to Lymington Town and Pier. As with bus services, the focus is on this provision at the main settlements.
- 3.3 There are ferry services that operate from the District, the first linking with the railway at Lymington with regular services to the Isle of Wight for both vehicles and foot passengers. There is also a foot passenger service operating daily between Hythe and Southampton, though has no evening service.
- 3.4 Therefore, whilst taxi and car share schemes do exist in some the very rural areas, much of the District has low or very low accessibility characteristics. This means lower parking standards are not always considered appropriate for non-residential developments that rely on its workforce from within the District.

Car ownership levels in the District

- 3.5 Car ownership in the New Forest District stands at about 1.4 cars per household based on Department for Transport statistics from 2020⁷. This figure has remained broadly consistent and is the same figure that was recorded in the 2001 Census. This is more than the national average, but very close to the average for Hampshire (excluding the cities of Portsmouth and Southampton). Car is the dominant mode of travel in the District as it is in Hampshire, with 45% of households having two or more cars or vans. The parking standards take this and the rural nature of the District into account.
- 3.6 Car ownership has also been analysed by 'cars per person' at a finer grain across the District⁸ using data from 2018. This shows that all but a few areas in the centre of the main settlements (Totton and Ringwood in particular) have car ownership significantly above the national average.
- 3.7 Along with increasing levels of low emission and electric vehicles, driven by national targets to phase out petrol and diesel fuels, further research points to a rise nationally in autonomous and shared vehicles – the latter pointing to a potential reduction nationally of car ownership, though this is only expected in the longer term⁹.

⁷ <https://www.gov.uk/government/statistical-data-sets/all-vehicles-veh01#licensed-vehicles>

⁸ <https://www.carbon.place/> - using Lower Super Output Areas (LSOA)

⁹ For example: <https://www.pwc.com/gx/en/industries/automotive/assets/pwc-five-trends-transforming-the-automotive-industry.pdf>

Electric and Ultra-low emissions vehicles

- 3.8 There are two key drivers for change that are impacting the transport industry¹⁰:
- Air pollutants: particles or chemicals (Nitrogen Oxides and Particulate matter) that are released into the atmosphere with the potential to cause harm to human health or the natural environment. The most common are coronary heart disease, strokes, lung cancer, and child asthma.
 - Greenhouse gas emissions (Carbon dioxide, methane, and Carbon monoxide): these have a global impact. A sustainable future will look at both direct and indirect emissions of greenhouse gases.
- 3.9 Reducing emissions of all major air pollutants is a major challenge and transitioning to zero emission road transport will require a long-term solution to the poor air quality in our larger settlements. Electric and hybrid vehicles are important emerging technologies essential to address these drivers for change and achieve the national commitment to phase out new combustion engines, with the end of sale of new petrol and diesel cars to end by 2030.
- 3.10 The following figure shows the ultra-low emission vehicles ownership in New Forest District. Whilst the figures in the graph still represent a small proportion of the overall vehicles registered in the District, the trend clearly shows an increasing ownership of this vehicle type.

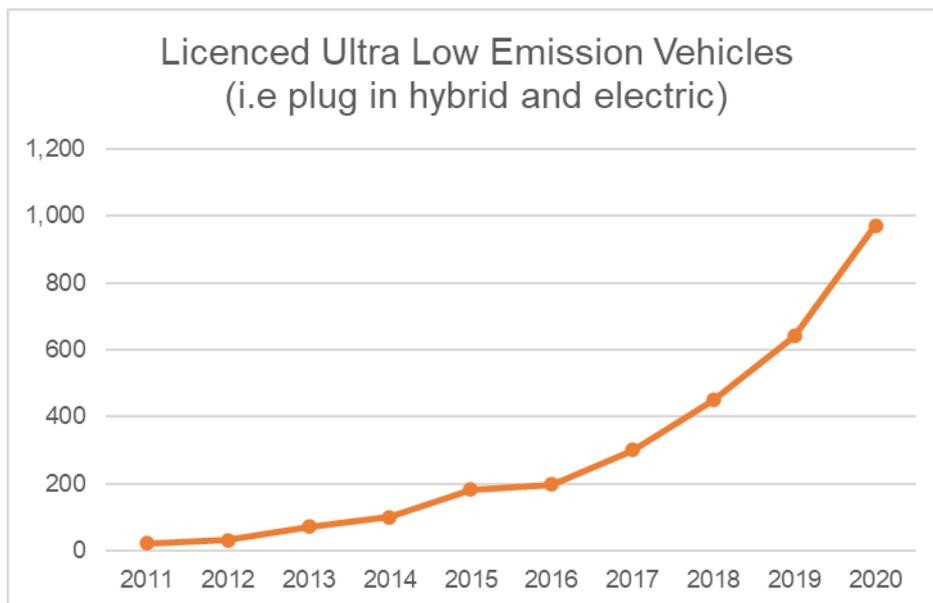


Figure 1 Number of licensed ultra-low emission vehicles in New Forest District (Department for Transport statistics 2020)

- 3.11 The success of electric and hybrid vehicles as technologies is in part dependent on there being a readily available supply of vehicle charging points. In the context of car parking, national and local policies are now addressing this by ensuring an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

¹⁰ The Road to Zero:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739460/road-to-zero.pdf

Economic vitality, and the quality of the environment

- 3.12 It is important to ensure that a realistic and sufficient level of vehicle and cycle parking is provided where new development takes place. Ensuring that there is an adequate supply of labour within the District to support the economy of the area is critical in ensuring that existing businesses thrive, business retention and to attract inward investment to the District. The availability of sufficient car parking has a role in economic vitality and improving accessibility to necessary local services and facilities, particularly in rural areas and for the less mobile including people with disabilities.
- 3.13 Taking account of climate change as a driver for change through prioritising opportunities to walk, cycle and use public transport is key factor for this SPD to support. It is equally as important to approach parking requirements and standards with some flexibility to ensure land is used efficiently, having regard to existing parking provision, the realistic needs arising from the proposed development, and the accessibility of the location by other travel modes. At non-residential locations, there will also be a need to manage the demand for car travel by ensuring that the availability of car parking space does not discourage the use of alternative transport modes whilst ensuring that car parking does not adversely impact on the surrounding local area.

4: Applying the Parking Standards

- 4.1 The following sections set out a series of principles and further guidance to assist in applying the parking standards for developments where they are required to provide parking.

Residential Development

Principle PS1

Residential development within the District should provide the **recommended car parking standards** as set out in Table 1 below, with the following exception:

- In the main town Main Town Centre locations of Fordingbridge, Hythe Village, Lymington, New Milton, Ringwood and Totton, a reduced car parking provision will be acceptable subject to the site being well served by existing public and active modes of travel, and confirmation that factors influencing parking pressure set out in **Annex 2** will not be exacerbated.
- Proposals in these Main Town Centre locations will be assessed on a site by site basis with account taken of the layout and design of the development and where relevant can also take into account future public and active travel projects, where there is sufficient certainty in their delivery.

Dwelling size (bedrooms)	Recommended average provision (car spaces per dwelling)		
	Shared/Communal Parking	OR	On-plot parking
1	1.4		2.0
2	1.5		2.0
3	1.9		2.5
4 or more	2.1		3.0

Table 1 Residential car parking standards

- 4.2 National policy sets out the factors to be taken into consideration if parking standards are to be used by a local planning authority. Those that vary geographically across the District include the accessibility of the development to local shops, services and facilities, the availability of and opportunities for public transport and local car ownership levels.
- 4.3 To provide a general picture, a high-level analysis of these factors across the main settlements in the plan area has been undertaken, along with other localised factors influencing the impact of parking and new development, including the demographics and parking enforcement cases (reflecting the on-street parking availability). Car ownership is above national average levels across most of the District. Levels of ownership however are lower in the main town centre locations as defined in the settlement hierarchy of the Local Plan (Policy STR4) but are shown to be higher on edge of settlement areas.
- 4.4 Taking in to account the analysis, car ownership levels and higher accessibility to services and facilities, the ‘Main Town Centres’ of Fordingbridge, Hythe Village, Lymington, New Milton, Ringwood and Totton, are areas considered appropriate for a reduced level of car parking from the recommended figures above in Table 1. Proposals in these areas will be assessed on a site by site basis, reflecting the need to follow a design led approach for the overall site layout and design, and taking in to account the factors used to provide the overall settlement analysis shown in Annex 2. This includes vehicle ownership, proximity to public transport and local facilities and incidences of traffic enforcement. Whilst the details of Annex 2 provide a general picture for each settlement, it is acknowledged that there will be variations in the parking pressures within any settlement and therefore as part of the development proposal will need to be assessed on a site by site basis to justify the level of reduction from the recommended standards.
- 4.5 Where this is evidenced, the Council will be supportive of low-car development in these sustainable locations, well served by public transport and the active modes of walking and cycling travel. This may include the use of car clubs for relevant developments (see section 9), with these sustainable modes of travel needing to be integrated into development proposals from earliest stages of the planning process, supported by a comprehensive travel plan.
- 4.6 Site layouts based on on-plot parking may include lay-bys and/or other visitor parking space where a need is identified providing that highway safety is not prejudiced and up to a maximum of 20% of the total amount of parking is on site. Such spaces may be counted

towards the total provision on the site.

Non-residential Development

Principle PS2

Non-residential development within the District should be provided to the **recommended car parking standards** set out in this SPD.

Standards are provided for different uses and are set out in **Annex 1**.

- 4.7 An extensive list of development types and the relevant parking standards that apply are provided in Annex 1. However, some developments proposals may not fall into any of the categories, in such cases suitable parking provision will be considered on the development's own merit. Parking provision should be set out in detail in the Design and Access Statement or where required the Transport Assessment / Statement.
- 4.8 The Council will be supportive of low-car non-residential development in sustainable locations such as the town centre locations identified in Principle PS1, well served by public transport and the active modes of walking and cycling travel. However it should also be acknowledged there is a need to manage the demand for car travel by ensuring that the availability of car parking spaces does not discourage such alternative transport modes whilst ensuring that car parking does not adversely impact on the surrounding local area. Such departures from the standards are further explained in section 15 of this SPD, and regard should also be given to the factors used to summarise the level of parking stress in a settlement, as shown in Annex 2, as to whether this should justify a higher or lower provision of car spaces.

5: Car Parking Space Size Guide on Private Developments

Principle PS3

Car parking space sizes are recommended to be provided to the minimum dimensions set out, to ensure the can be safely and effectively used.

- 5.1 The standard parking space has remained at a consistent size for several decades. However, national research has shown that on average, cars have got larger over time, both in width and in length. In 1965 the top five models sold in the UK had an average width of 1.5 m and average length of 3.9 m, compared to an average width of 1.8 m and length of 4.3 m for the top five sellers of 2020¹¹. The minimum dimensions recommended in this SPD reflect this trend, whilst ensuring space provided in a development for parking is used efficiently.

¹¹ <https://www.racfoundation.org/wp-content/uploads/standing-still-Nagler-June-2021.pdf>

Type of Space	Recommended Minimum Dimensions
Standard Parking Space	2.5m x 5.0m
Parallel parking Space	2.0m x 6.0m
Disabled Parking Bay	3.6m x 5.0m ¹²
Garages (Internal sizes)	3.0m x 6.0m

Table 2 Car parking space size guide for private developments

< Diagram to be added exemplifying the different spaces >

- 5.2 Parking spaces also need to take account of the minimum space requirements set out for electric vehicle charge points in Building Regulations Part S¹³, which vary depending on whether they are free standing, or wall mounted.
- 5.3 An additional minimum of 0.5m will need to be added to the above spaces where either dimension is adjacent to wall or other obstruction. More may be needed where areas of parking are also used for safe and convenient access to the rear of the property, where cycle storage for example may be located. Where driveways are to be used for parking in front of a garage, the overall length of the space will need to be a minimum of 6.0m to allow access to the garage.
- 5.4 It is widely accepted that single on-plot garages are often unavailable for cars because they are being used for storage. Given the extent of this practice, whether garages will be counted towards parking provision will be determined on a case by case basis as per Manual for Streets Guidance¹⁴. Where garages are accepted, and also relied upon for cycle parking, then the overall all size will need to be increased from Table 2 above to reflect this.
- 5.5 Tandem parking (one vehicle behind another) will be acceptable for individual properties and not those with parking which is intended for use of more than one dwelling. However, driveways longer than 6m will be counted as a single parking space unless the developer can adequately demonstrate that the driveway can reasonably accommodate more than one vehicle and allow access to garages where provided. To accommodate side-by-side parking on a driveway, additional width will be required where it is also used for pedestrian access to the rear of a property.
- 5.6 The wider site layout of a development will also need to consider the circulation and / manoeuvring space required to access all the types of spaces described.
- 5.7 Different layouts such as parallel and herringbone will have different overall space requirements and detailed layout of parking spaces using these approaches will be considered on a site-specific basis.

¹² Whilst the current UK standard for parking spaces 3.6m wide by 4.8m long (see: https://www.britishparking.co.uk/write/Documents/Library%202016/Bay_Sizes_-_Jul_2016.pdf), this takes account of recent trends in car sizes

¹³ Diagrams 6.4 and 6.5

¹⁴

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

6: Design and Quality of the Environment

Principle PS4

Car parking in residential and non-residential development should be well designed to integrate successfully within a development, should not be an over dominant feature on the street scene and ensure land is used efficiently.

Parking areas should be designed to include the use of sustainable drainage systems (SuDS) to minimise surface water run-off unless there are technical reasons why this cannot be done. Permeable surface materials should also be used wherever possible to reduce surface water runoff.

- 6.1 The impacts of both designated parking spaces and of parking activity wherever it occurs are central to the success or failure of the wider environment. The overall design of parking areas will need to reflect current national guidance, including the National Design Guide¹⁵ and the National Model Design Code¹⁶, which make clear that how parking is arranged has a fundamental effect on the quality of a place or development.
- 6.2 As part of the comprehensive design-led approach, communal car parking areas in both residential and non-residential development should be suitably designed in order to minimise negative impacts on the streetscape.

On street parking

- 6.3 Parking provision on a development should meet the standards set out in this SPD or where reduced levels are justified and agreed in sustainable locations well served by public transport and the active modes of walking and cycling travel.
- 6.4 Where exceptionally it is agreed that on-street parking is relied upon in whole or part, streets on the development should either be designed to accommodate likely demand, or it should first be demonstrated that existing on-street parking capacity is sufficient to meet likely current and future needs. This includes, but is not limited to, the following factors:
- Impacts on highway safety, including pedestrian and cyclist safety.
 - Physical widths of the road carriageways close to the site and whether they are capable of accommodating parking and the flow of traffic.
 - Impacts on the character and amenity of streets - for example where there is likelihood of an increase in verge parking based on road and pavement widths.
 - Take into account loss of existing on-street parking due to the creation of new accesses
 - Consider whether the introduction of on-street parking controls are required.
- 6.5 Where measures such as parking controls are proposed for a development, it will need to be agreed with the relevant Highways Authority and set out in detail in any required Design and Access Statement, Transport Assessment or Transport Statement. The proposals must have a reasonable prospect of implementation so the views of the local community and other key stakeholders of the proposed measures such as parking control need to be established by the

¹⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf

¹⁶ <https://www.gov.uk/government/publications/national-model-design-code>

developer prior to the submission of the assessment.

7: Electric Vehicle Parking Provision

Principle PS5

Parking spaces for residential and non-residential developments should be designed to enable the provision of plug-in charging points for electric and hybrid vehicles. This includes:

- For both residential and non-residential developments where private parking is separate from the premises or dwelling, where feasible to do so infrastructure to enable the installation of an electrical supply is encouraged to be installed to enable the convenient provision of charging points to all parking spaces in the future, without the need for significant re-wiring, structural or subsurface works.
- Proposals for new garages associated with an existing dwelling are encouraged to install an electrical supply with sufficient power capacity to enable the convenient installation of charging points where they don't already exist on the site.

- 7.1 The provision of electric vehicle (EV) charging points within new development will support the early take up of electric vehicles in the Plan Area, helping to reduce the level of traffic emissions.
- 7.2 Building Regulations set out in Part S¹⁷ now require new residential and non-residential development with associated parking to have access to electric vehicle charging points. This includes:
- New Residential
 - Material changes of use to residential
 - Major renovations on residential use
 - New non-residential (for sites with 10+ spaces)
 - Residential and non-residential elements of mixed-use new build / renovations
- 7.3 The regulations do not apply to on-street or communal / visitor parking that is not connected to the individual development.
- 7.4 Where charging points and infrastructure are provided off-site such as in communal areas, the design will need to consider an approach to the future control access to charge points and allocation of electricity charges to individual users, together with the management and maintenance arrangements. Issues of safety around the location of trailing cables running from the charge point to the vehicle will also require careful consideration.
- 7.5 The technology used by EV vehicles and charging techniques is progressing at a fast pace, so new developments should install the latest method of charging that is accepted as an industry standard and cost effective for general use. Current examples of industry benchmarks used include BS 61851 and BS 7671¹⁸. Approaches to the provision of renewable energy on new

¹⁷

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057375/AD_S.pdf

¹⁸ <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-minimum-technical->

development such as solar panels to provide power to EV chargers will be considered in separate guidance prepared by the Council for addressing climate change and sustainable development.

8: Parking for those with disabilities

Principle PS6

Suitable parking spaces should be provided for people with disabilities.

Non-residential developments that are required to deliver 20 or more spaces should provide a minimum of 5% of their total parking spaces for people with disabilities, unless evidence is presented that justifies figure to ensure the needs of disabled people are fully met (or vice versa if there is significant over provision).

- 8.1 Disabled car parking spaces should be located close to the main pedestrian entrance and clearly signed. Dropped kerbs should be provided to enable access from the parking space to any pedestrian access.
- 8.2 Developments with a requirement to provide less than 20 spaces will be considered on a case by case basis.
- 8.3 Residential developments for elderly persons and other developments which are likely to be highly used by people with disabilities may require a relatively higher provision of disabled spaces and should make adequate provision for access, parking and charging of mobility vehicles.
- 8.4 Further guidance on provision is included in DfT's Traffic Advice Leaflet 5/95 'Parking for Disabled People'¹⁹ and the relevant British standard BS8300-1:2018.
- 8.5 Where residential developments are built to accessible standards to meet Part M of the Building Regulations, it will be expected that parking spaces will also be Building Regulations Part M compliant.

[specification/electric-vehicle-homecharge-scheme-minimum-technical-specification](#)

¹⁹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/3695/inclusive-mobility.pdf

9: Car Clubs

Principle PS7

Where proposals are likely to generate a large number of travel movements, triggering the requirement for a Transport Assessment/ Statement, or where they meet identified travel plan objectives, consideration should be given to car club use on residential and non-residential developments.

Where provided, car club parking spaces should be in a preferential location within the development, clearly labelled as such and will be expected to include electric vehicle charging points.

The Council may also look for contributions to enable the establishment of a car club in settlements where there is likely to be sufficient existing or future demand to make this a sustainable option.

- 9.1 Car clubs are increasingly playing a role in reducing dependence on car ownership by giving member's access to a car for essential journeys without the need to own one. It is currently estimated that for each car club car in operation, 9 private vehicles are taken off the road²⁰. Car clubs can contribute towards reducing congestion, parking problems and local pollution levels. They can also promote co-operation, avoiding social isolation and support the viability of low-car housing.
- 9.2 Successful operation of car clubs tends to be in areas that have higher density housing, commercial users, and there are parking restrictions with designated parking bays available²¹. Whilst this won't be relevant for all areas of the district, some locations may meet this. Schemes also have greater success where there is support from the relevant local council. They function efficiently through complementing other sustainable travel modes, rather than a standalone solution and an act as an incentive for households to reduce car ownership, particularly ownership of second cars.
- 9.3 Car clubs should be considered early in the planning process and normally in combination with the preparation of a site or company travel plan. Provision of car sharing bays should be based on forecast modal splits associated with the development. This could be based on surveys carried out as part of the travel plan process, census data, or other recognised methodologies. Developers are advised to consult with car club operators to determine the suitability and likely costs of a proposed car club and further consider how car sharing bays are expected to be managed.
- 9.4 Where provided, the use of parking areas for car sharing may result in a reduction in the number of parking spaces for other vehicles, which will be considered on a site by site basis.

²⁰ Car Club Annual Report England and Wales 2020, comouk

²¹ <https://como.org.uk/shared-mobility/shared-cars/why/>

10: Minimum Cycle Parking Standards

Principle PS8

Cycle parking should be provided on-site using at least the minimum standards set out for residential and non-residential development.

It should be provided in convenient, sheltered, safe and secure locations, both at home and at other destinations such as places of work, education and other community establishments.

Provision should also address the short term and longer term parking needs of a residential and non-residential development. Where practicable to do so, consideration should also be given to the charging of electric cycles in communal longer term parking areas.

Residential Development

Dwelling size (bedrooms)	Cycle Standard (minimum)	
	Long stay	Short stay
1	1 space per unit	1 loop/hoop per unit
2	2 spaces per unit	1 loop/hoop per unit
3	3 spaces per unit	
4 or more	4+ spaces per unit	1 loop/hoop per unit

Table 3 Cycle Parking Standards for Residential Development

- 10.1 For residential development, the short stay requirements primarily address the needs of visitors in communal developments. However, in the case of individual dwelling houses, other alternative provision for cycle storage may be considered that are convenient to access.
- 10.2 Where a development site is located in a town centre location and providing a reduced level of vehicle parking provision in line with 'Principle PS1', the above cycle parking standards is expected to remain as minimum requirements.

Non-Residential Development

- 10.3 The minimum standard of provision is set out for the various development types in Annex 1. The cycle parking provision for staff and visitors will both need to be addressed in relevant development.

Further guidance on cycle parking provision

- 10.4 Cycle parking is integral to any cycle network, and to the effective operation of wider active

transport systems incorporating public transport. The availability of secure cycle parking at home, the end of a trip or at an interchange point has a significant influence on cycle use. Therefore, to enable cycling, the provision of convenient, sheltered, safe and secure cycle parking in this District, both at home and at other destinations such as places of work, education and other community establishments is critical. National guidance states that “opportunities to promote walking, cycling and public transport use are identified and pursued” and should be considered at the earliest stages of plan-making and development proposals.

- 10.5 The minimum standard of cycle parking provision are based around guidance provided by the “Cycle Infrastructure Design” Local Transport Note 1/20 published by the Department for Transport (DfT)²². This note also provides useful guidance on design of cycle parking, to ensure it is located appropriately, and be safe, secure and accessible to its users.
- 10.6 For development providing at least 20 cycle parking spaces, a proportion of the cycle parking (typically 5%) should be provided for non-standard cycles and to accommodate people with mobility impairments and additional cycle parking of this nature provided if a need is identified in either a Transport Assessment or Site/Company Travel Plan.

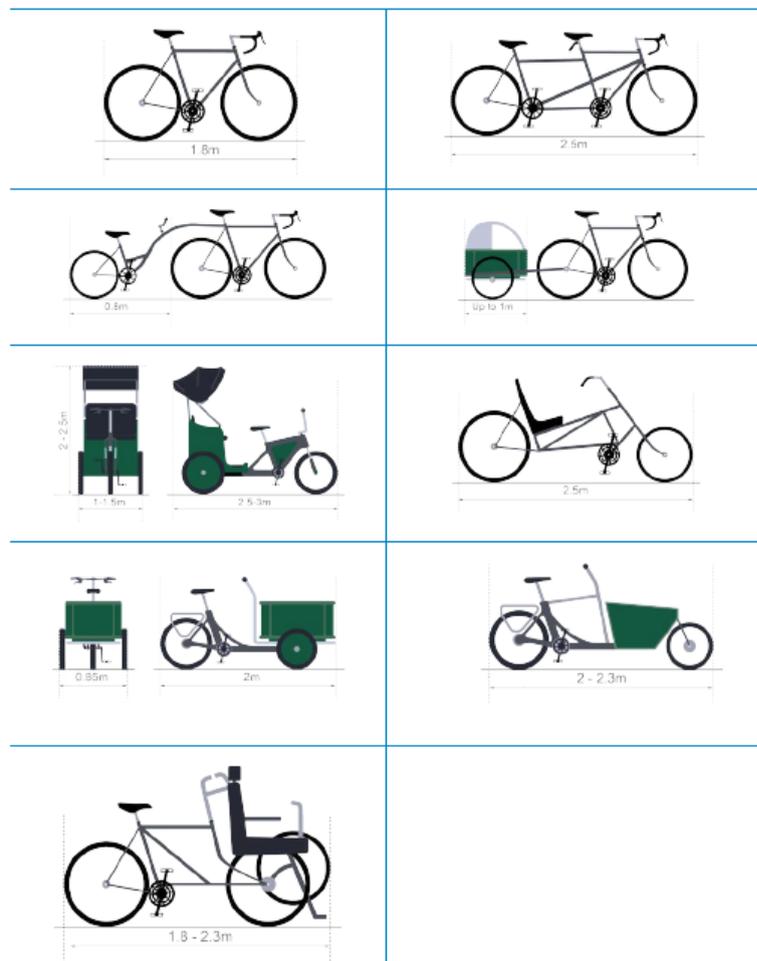


Figure 2: Typical dimensions of cycles (Source: Cycle Infrastructure Design, Local Transport Note 1/20, July 2020, Figure 5.2)

22

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951074/cycle-infrastructure-design-ltn-1-20.pdf

- 10.7 Cycle parking should be located in areas that are convenient for the trip origin/destination, taking into account existing cycle networks and generally should be in a location more convenient than car parking to encourage bicycle use. Likewise, the cycle parking needs to be easy to use and access, secure, covered and overseen, particularly for longer term parking. As with the provision of parking for cars and other vehicles, the design and environmental impacts of the provision of stands, racks, etc. will need to be fully considered as part of the comprehensive overall design of a development, balancing the issues of practical use with amenities.
- 10.8 For non-residential developments where longer term cycle parking is provided, particularly education premises and places of work, facilities for the secure storage of clothing should also be provided, as well as showering and changing facilities. An example of how this can be achieved, is through commitments in a site or company travel plan provided in support of a development proposal.
- 10.9 Electric bikes, or e-bikes, are becoming a popular alternative to other modes of travel such as the car for daily activities. The majority of models can currently be charged using a standard electrical socket. For communal areas in residential development and non-residential developments providing at least 20 cycle parking spaces of longer term cycle parking, provision should be made for electric bike charging hubs to enable the convenient recharging of these bikes. As a guide, provision should equate to 5% of the total spaces, unless evidence presented suggests otherwise.

11: Motorcycle Parking

Principle PS9

Parking provision for motorcycles, mopeds and scooters – also known as Powered two-wheelers (PTWs) should reflect national guidance and the proportion locally they make up of registered vehicles.

For developments that provide at least 25 car parking spaces including non-residential and residential communal parking areas, one PTW space is to be provided for every 25 car spaces.

- 11.1 Motorcycles, mopeds and scooters – also known as Powered two-wheelers (PTWs), are seen by many as a convenient and affordable alternative to running a car. They currently make up approximately 4.5% of the vehicles registered in the District²³. Unauthorised parking can cause hazards to pedestrians if pavements are blocked or if cycle parking is misused to secure them.
- 11.2 Parking for PTWs should offer security, ease of access, and where possible, protection from the elements. Facilities for securing them should be provided through either a raised anchor or a ground anchor point. A raised version includes a horizontal bar and requires the PTW owner to have their own lock. A ground level type has an anchor point below the surface, with a loop allowing a lock to be passed through. They should be appropriately located so that they do not cause a hazard to pedestrians or conflict with other vehicles.
- 11.3 For long stay parking normally associated with places of employment, facilities for the secure storage of helmets and clothing should also be provided, as well as changing facilities. An example

²³ <https://www.gov.uk/government/statistical-data-sets/all-vehicles-veh01#licensed-vehicles>

of how this can be achieved, is through commitments in a site or company travel plan provided in support of a development proposal.

11.4 Guidance on provision and further references are included in Manual for Streets²⁴.

12: Mobility Scooter Parking

Principle PS10

Developments likely to be used by people that require mobility scooters, electric wheelchairs and other mobility aids should include provision for accessible, safe and covered storage, together with charging of such devices.

12.1 Relevant development includes those where people with reduced mobility, the elderly or warden-controlled developments are proposed, but may also include health and care establishments, and community, retail and leisure facilities where users may also travel to. The number of spaces should be considered on a site by site basis and be proportionate to the predicted occupancy level for residential institutions or the visitor level for community, retail and leisure uses.

13: Micro-scooter Parking

Principle PS11

Provision for foot propelled micro-scooter parking should be considered on developments for education or work where their use is more commonplace. Provision is normally in addition to the cycle parking standards.

13.1 The use of non-powered micro-scooters as a mode of transport for children and adults using for school or work travel, as well as leisure purposes has become more commonplace. However, they are particularly associated with school trips and in addition to the cycle provision, foot propelled scooter facilities should be provided within the curtilage of the school sites at the same ratio as the short stay cycle requirements.

13.2 Such facilities should be under cover, in safe well-lit areas, ideally lockable and near all the main entrances. Scooter parking can generally either be lockable racks or ground stands.

14: Commercial and Lorry Parking Provision

Principle PS12

Parking provision for lorries and commercial vehicles will be considered on a case-by-case basis. Developers will be expected to demonstrate that the proposed provision for such vehicles will be adequate for the levels of activity at the site.

²⁴ Page 112/113

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdf/21anforstreets.pdf

- 14.1 Parking provision in new developments for lorries and commercial vehicles will need to take account of size of vehicles expected to serve the site and vehicles' swept path analysis.
- 14.2 As set out in national policy, the provision of overnight HGV lorry parking facilities is a further consideration and proposals should take into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. This is particularly the case with the parking of commercial vehicles of different sizes in residential areas.

15: Departures from the Parking Standards

Principle PS13

Proposals for parking in development should meet the recommendations set out in this SPD.

Where an applicant can demonstrate that a departure from the recommended standards is appropriate, this should be fully justified using a robust evidence base. Consideration should also be given to the factors used in Annex 2 to define the parking pressure of a given area. The resultant level of parking pressure identified may justify parking requirements either above or below the standards set out in this SPD.

- 15.1 If the number of car parking spaces on the development meets the recommended parking provision set out then it may be assumed that the development will meet its parking needs. Where provision is close to the recommended provision, the Council may take a pragmatic view that the development has met its parking needs. As set out in section 4, this is also the case for the main town centre residential developments, where the principle of lower levels of car parking provision is accepted, however this is still subject to agreement on a case by case basis.
- 15.2 Where development does not meet its parking needs within the curtilage of the development by a significant margin, the developer will be expected to survey current parking patterns and assess the impact of not meeting the development's parking needs. This is to ensure the long term consequences are fully understood, and unlikely to lead to significant issues with verge parking, and other enforcement problems. This would be evidenced through a Transport Assessment or Statement submitted as part of the planning application.
- 15.3 Examples of the evidence that could be used to justify such departures include an assessment of local parking and traffic conditions, and a parking survey and assessment of the number of parked vehicles as a percentage of the number of standard available parking spaces. Up to date information on local car ownership levels should also be used as a guide to avoid both the inefficiency of over-provision and the safety and environmental costs of under-provision.
- 15.4 The information in Annex 2 may also assist in preparing Transport Assessments and Statements as part of a justification for changes to the recommended parking standards in this SPD at a higher or lower provision level of provision of parking spaces in particular for non-residential development in town centre locations identified as having good levels of accessibility. The analysis has been used to provide a general indication of settlements most likely to experience greater and lesser parking pressure, also referred to as 'parking stress'. Whilst there will be site specific variations in different areas of the settlement, this will give a broad understanding of the main factors affecting parking in a settlement and what will require further consideration through a Transport Assessment

or Statement.

15.5 Relevant factors which may be considered acceptable in justifying variations could include:

- the nature and location of the development
- layout and design of the development
- areas with greater public transport accessibility or higher active travel usage
- how parking spaces are allocated on a development
- visitor parking requirements
- the function of the street, carriageway width and existing parking demands
- other site-specific circumstances of the development or local surroundings

ANNEX 1: NON-RESIDENTIAL CAR PARKING AND CYCLE PARKING STANDARDS

Table 5: Commercial development

Type	Recommended car parking provision	Cycle Standard (minimum)	
		Long stay (see Note 2)	Short stay
Office (Use Class E)	1 space per 30 sqm (see note 1)	1 stand per 200 sqm GEA	1 stand per 500 sqm GEA
High tech/light industry (Use Class E)	1 space per 45 sqm	1 stand per 250 sqm GEA	1 stand per 500 sqm GEA
General industry (Use Class B2)	1 space per 45 sqm	1 stand per 350 sqm GEA	1 stand per 500 sqm GEA
Warehouse (Use Class B8)	1 space per 90 sqm	1 stand per 500 GEA	1 stand per 1000 sqm GEA

1. Subject to a condition or legal agreement restricting consent to the specified use.
2. Long-stay cycle parking is to be at least the greater of the spaces per Gross external area (GEA) identified or 1 space per 8 staff.
3. Where long stay cycle parking is provided, secure storage of clothing should also be made available, as well as changing facilities

Gross external area (GEA) - The total external area of a property (including the thickness of the external wall)

Table 6: Retail development

Type	Recommended car parking provision	Cycle Standard (minimum)	
		Long stay	Short stay
Non-food retail and general retail (covered retail areas)	1 space per 20 sqm covered areas	Greater of 1 space per 6 staff or 1 per 300 sqm GEA	1 stand per 200 sqm GEA
Non-food retail and general retail (uncovered retail areas)	1 space per 30 sqm uncovered areas	Greater of 1 space per 6 staff or 1 per 300 sqm GEA	1 stand per 200 sqm GEA
Food retail	1 space per 14 sqm covered areas	Greater of 1 space per 6 staff or 1 per 300sqm GEA	1 stand per 200 sqm GEA

1. Petrol stations with a shop will be considered under the appropriate retail category but with petrol pump spaces counting as one space each.

Table 7: Education establishments

Type	Recommended car parking provision	Cycle Standard (minimum)	
		Long stay	Short stay
Schools	1.5 spaces per classroom	See note 1	See note 1
16+ Colleges and further education colleges	1 space per 2 full-time staff	See note 1	See note 1
Day nurseries/playgroups (private) and crèches	1.5 spaces per 2 full-time staff	1 stand per 6 full time staff	At least 2 stands per establishment

1. A Transport Statement or Transport Assessment and/or School Travel Plan are required to determine/establish the number of cycle parking facilities for educational establishments. The provision of facilities will be dependent on a number of factors such as type of educational establishment, location and, provision for cycling in the vicinity - Separate provision should be made for staff and students to include minimum for Staff: 1 per 20 staff and Students; 1 per 10 students.
2. The parking allocation caters for staff, visitors and parents.
3. There will be a requirement for a bus/coach loading area, provided either on-or off site, for primary education and above, unless otherwise justified.
4. Accessibility of the catchment area will be taken into account for schools.

Table 8: Health establishments

Type	Recommended car parking provision	Cycle Standard (minimum)	
		Long stay	Short stay
Private hospitals, community and general hospitals more than 2,500sqm,	The car and cycle parking provided for staff and visitors will be based on the approved Transport Assessment.		
As above but with gross floor area of 2,500sqm or less.	Outpatients – see standards for Health centres. Inpatients - Staff: 1 space per 2 staff; Patients 1 space per 10 beds	1 space per 2 consulting rooms or 1 space per 6 staff (whichever is greater)	1 stand per consulting room
Health centres	5 spaces per consulting room		
Doctors, dentists or veterinary surgery	3 spaces per consulting room		

Table 9: Care establishments – public and private

Type	Recommended car parking provision	Cycle Standard (minimum)	
		Long stay	Short stay
Day centres for older people, adults with learning/physical disabilities	Staff: 1 space per 2 staff, Visitor: 1 space per 2 clients, (Notes 1 & 2)	1 space per 6 staff (min 1 space)	At least 2 stands per establishment
Homes for children	1 space per residential staff, 0.5 spaces per non-residential staff, Visitor: 0.25 spaces per 2 clients (Note 3)	1 space per 6 staff (min 1 space)	At least 2 stands per establishment
Family centres	Staff: 1 space per 2 staff, Visitor: 1 space per 2 clients, (Notes 1)	1 space per 6 staff (min 1 space)	At least 2 stands per establishment
Residential units for adults with learning or physical disabilities	1 space per residential staff, 0.5 spaces per non-res staff, Visitor: 0.25 spaces per client (Note 3)	1 space per 6 staff	1 loop/hoop per 2 bedrooms
Day nurseries/playgroups (private)	See education standards above (Table 7)		
Hostels for the homeless	No standard set	1 space per 6 staff	1 loop/hoop per 2 bedrooms
<i>Older people's housing:</i>			
Active elderly with warden control	1 space per unit	1 space per unit	1 loop/hoop per 2 units
Nursing and rest homes	1 space per 4 residents and 1 space per staff	1 space per 6 staff	1 loop/hoop per 2 units

Notes

1. Staff applies to full-time equivalent member of staff.
 2. Plus space for dropping off people.
 3. Applies to non-residential staff on duty at the busiest time.
- The figures are based on the maximum number of children for which the group is licensed or the client capacity of the centre (and are rounded to the nearest whole number where appropriate).

Table 10: Leisure facilities and places of public assembly

Type	Recommended car parking provision	Cycle Standard (minimum)	
		Long stay	Short stay
Hotels/motels/guest houses/boarding houses	1 space per bedroom, (Note 1)	1 space per 5 staff or 1 space per 40sqm GEA (Note 2)	1 stand per 10 bedrooms
Eating and Drinking establishments	1 space per 5sqm dining area/bar area/dance floor, (Note 3)	1 space per 5 staff or 1 space per 40sqm GEA (Note 2)	1 stand per 20sqm GEA
Cinemas, multi-screen cinemas, theatres and conference facilities	1 space per 5 fixed seats	1 space per 5 staff or 1 space per 40sqm (Note 2)	1 stand per 20sqm
Bowling centres, bowling greens	3 spaces per lane	1 space per 5 staff or 1 space per 40sqm (Note 2)	1 stand per 20sqm
Sports halls	1 space per 5 fixed seats and 1 space per 30sqm playing area	1 space per 5 staff or 1 space per equivalent badminton court (See notes 2 & 4)	1 stand per equivalent badminton court (Note 4)
Swimming pools, health clubs/gymnasia	1 space per 5 fixed seats and 1 space per 10sqm open hall/pool area	1 space per 5 staff or 1 space per 40sqm (Note 2)	1 stand per 20sqm
Tennis courts	3 spaces per court	1 space per 5 staff or 1 space per 5 courts or pitches (Note 2)	1 stand per pitches or courts
Squash courts	2 spaces per court	1 space per 5 staff or 1 space per 5 courts or pitches (Note 2)	1 stand per pitches or courts
Playing fields	12 spaces per ha pitch area	1 space per 5 staff or 1 space per 5 ha pitch area (Note 2)	1 stand per ha pitch area
Golf courses	4 spaces per hole (Note 5)	(Note 6)	(Note 6)
Golf driving ranges	1.5 spaces per tee/bay	(Note 6)	(Note 6)
Marinas	1.5 spaces per berth	(Note 6)	(Note 6)

Type	Recommended car parking provision	Cycle Standard (minimum)	
		Long stay	Short stay
Places of worship/church halls	1 space per 5 fixed seats and 1 space per 10sqm open hall	1 space per 5 staff or 1 space per 40sqm (Note 2)	1 stand per 20sqm
Stadia	Refer to Note 6	1 space per 5 staff or 1 space per 40sqm (Note 2)	1 stand per 20sqm

Notes

1. Other facilities, e.g. eating/drinking and entertainment are treated separately if they are available to non-residents.
2. Whichever is the greater provision of these standards.
3. Where these serve HCVs, e.g. transport cafes, some provision will be needed for HCV parking
4. A badminton court area is defined as 6.1m x 13.4m.
5. Other facilities, e.g. club house, are treated separately.
6. No standards are set for this category. Each application over 1000sqm will be considered individually as part of a transport assessment. For applications 1000sqm or less at least 1 space per 6 staff.
7. Motorway service areas will be included as eating and drinking establishments with additional consideration for associated facilities; parking for HCVs and PCVs will be required.

Table 11: Miscellaneous commercial developments

Type	Recommended car parking provision	Cycle Standard (minimum)	
		Long stay	Short stay
Workshops - staff	1 space per 45sqm GEA	1 space per 8 staff or 1 space per 250sqm GEA (See note 1)	1 stand/500sqm GEA
Workshops - customers	3 spaces per service bay		
Car sales - staff	1 space per full-time staff (See note 2)	1 space per 8 staff or 1 space per 250sqm GEA (See note 1)	1 stand/500sqm GEA
Car sales - customers	1 space per 10 cars on display (See note 3)		

Notes

1. Whichever is the greater of these standards.
2. Full-time equivalent staff.
3. Applies to the number of cars on sale in the open.

ANNEX 2: VEHICLE PARKING PRESSURE AND MAIN TOWN CENTRES

- A2.1 To provide a general picture of the factors affecting pressure on vehicle parking in the Plan Area, a high-level analysis of these factors has been undertaken across the main settlements. This includes localised factors influencing the impact of parking and new development, including the demographics and parking enforcement cases (reflecting the on-street parking availability). They essentially reflect the geographical requirements set out in paragraph 107 of the NPPF (2021).
- A2.2 The analysis has also been used to identify areas more likely to experience greater and lesser parking pressure (often also referred to as parking stress). These have been prepared to assist in justifying a higher or lower parking level for a given development and are summarised using a red / amber / green (RAG) scoring.
- A2.3 Settlements highlighted as green are those where less pressure on parking is likely to be experienced, and where there may be greater opportunities to explore reduced parking levels for a development. Those highlighted red represent areas where there is likely to be greater pressures on parking and therefore areas where reduced parking developments may be harder to justify.
- A2.4 Whilst this provides a general picture for each settlement, it is acknowledged that there will be variations in the parking pressures within any settlement and therefore a development proposal will need to be assessed using these factors on a site by site basis to justify a departure from the recommended standards.

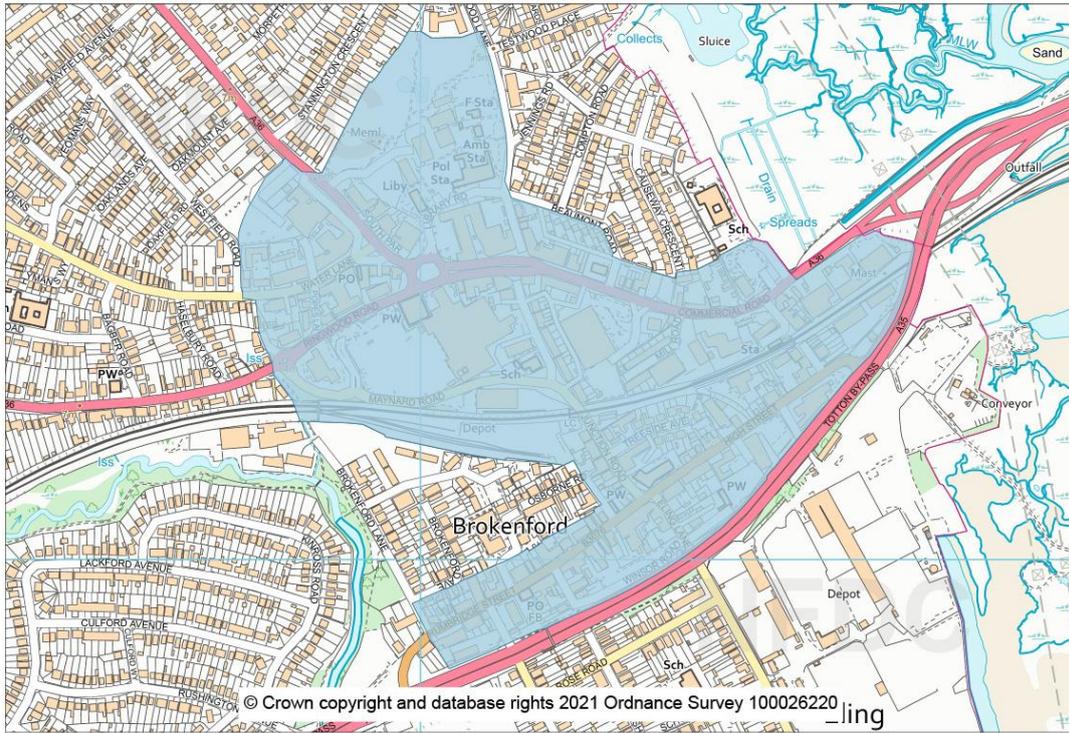
Data	Notes and source of data
Vehicle Ownership (2 cars/vans or more)	Levels of ownership (2011 census): Red = Higher number of 2 car/van households. Green = Lower number relative to other areas.
Car Ownership per person	2011 Census: Green = <0.54 per person Amber = 0.55 – 0.64 Red = 0.65+ cars
Car Ownership (Demographic trend)	Ownership of 1 car or more by demographic in each settlement (2011 census): Red = Older demographic (60+) with higher car ownership Green = Younger with lower car ownership
% of dwellings within 400m of bus route	GIS analysis of dwellings + bus routes (NFDC data): Red: < 90% within 400m of bus routes Amber: 90-95% within 400m Green: 95-100% within 400m
% of dwellings within 800m of train station	GIS analysis (NFDC data): Red: 0% within 800m Amber: 0% - 20% Green: 30% or above
% of dwellings within 800m of a primary or local shopping frontage	GIS analysis (NFDC data): Red: 70-80% within 800m Amber: 80-90% within 800m Green: 90-100% within 800m
Enforcement	On street enforcement notices served (HCC data): Red = High number of NFDC notices Green = Low number

Summary scores for the parking pressure score in the main New Forest District's (outside the National Park) settlements.

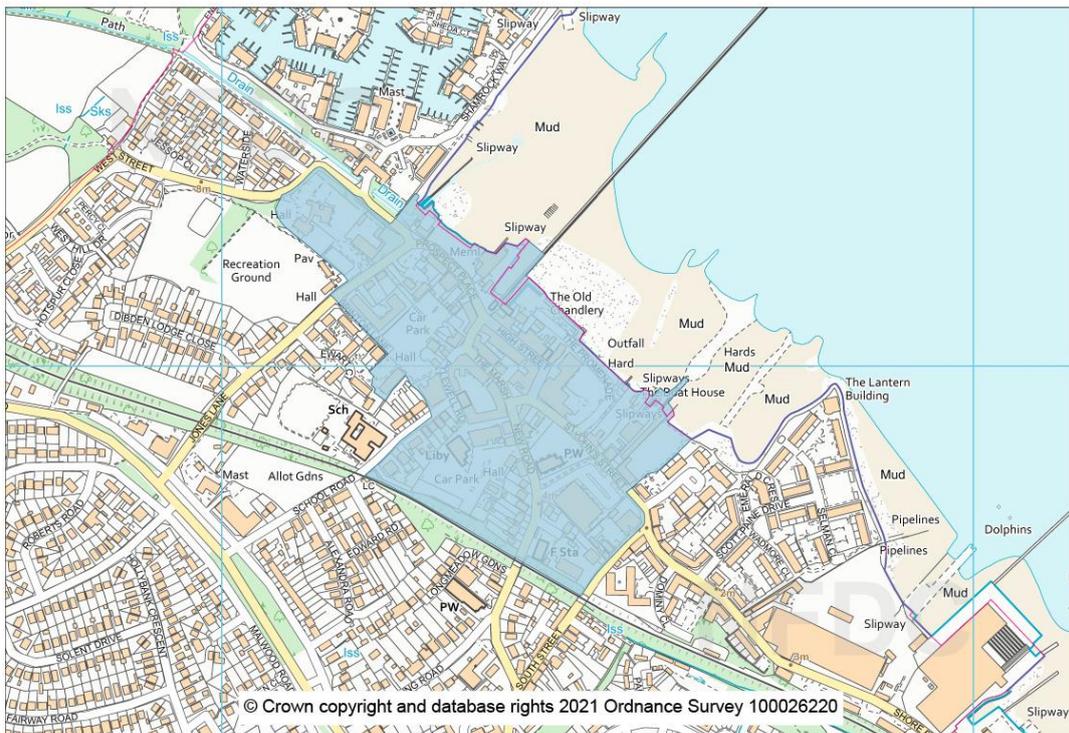
Data	Green	Amber	Red
Vehicle Ownership (2 cars/vans or more)	New Milton (central)	Totton Hythe & Dibden Holbury & Blackfield Lymington & Pennington Milford on Sea New Milton (Rest of) Barton on Sea Fordingbridge	Marchwood Hordle & Everton Bransgore Ringwood Ibsley Bashley
Car Ownership per person	Totton Holbury & Blackfield	Marchwood Hythe & Dibden New Milton Lymington Ringwood	Milford on Sea Hordle & Everton Bransgore Fordingbridge
Car Ownership (Demographic trend)	Marchwood Holbury & Blackfield	Totton Hythe & Dibden Lymington & Pennington New Milton Bransgore Ringwood Fordingbridge	Milford on Sea Hordle & Everton
% of dwellings within 400m of bus route	Totton Marchwood Hythe & Dibden Hordle & Everton New Milton Ringwood Fordingbridge	Holbury & Blackfield Milford on Sea Sandleheath	Lymington & Pennington Bransgore
% of dwellings within 800m of train station	New Milton Lymington	Totton	Marchwood Hythe & Dibden Holbury & Blackfield Hordle & Everton Milford on Sea Bransgore Ringwood Fordingbridge
% of dwellings within 800m of a primary or local shopping frontage	Totton Holbury & Blackfield Hordle & Everton Lymington Bransgore Fordingbridge	Marchwood Milford on Sea	Hythe & Dibden New Milton Ringwood
Enforcement (Analysis of notices issued between 01/04/2020 and 31/03/2021)	Marchwood Hythe & Dibden Holbury & Blackfield Hordle & Everton Milford on Sea Bransgore Fordingbridge	Totton Lymington & Pennington New Milton	Ringwood

Main Town Centre Boundary Maps

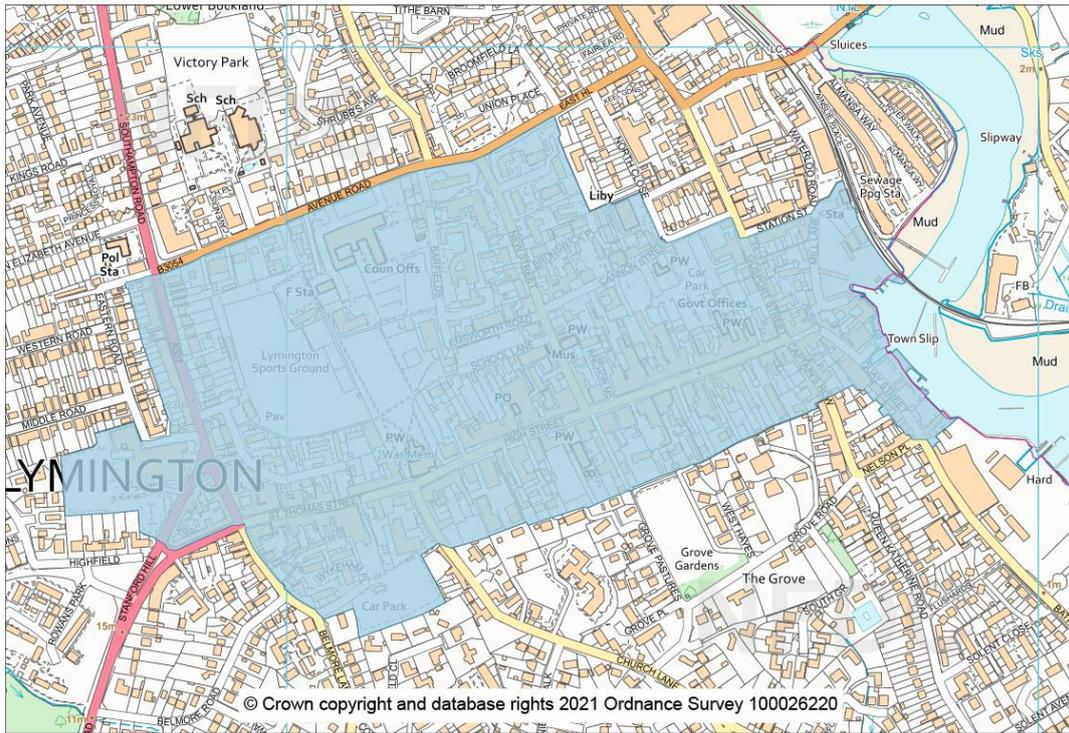
Totton



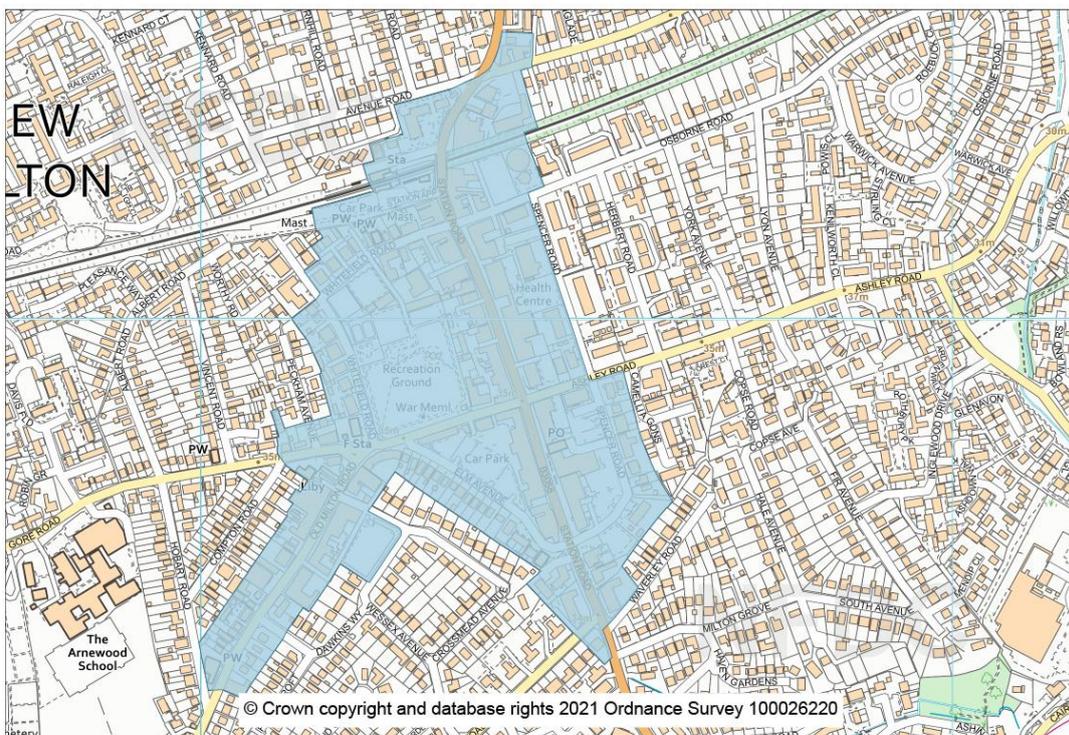
Hythe Village



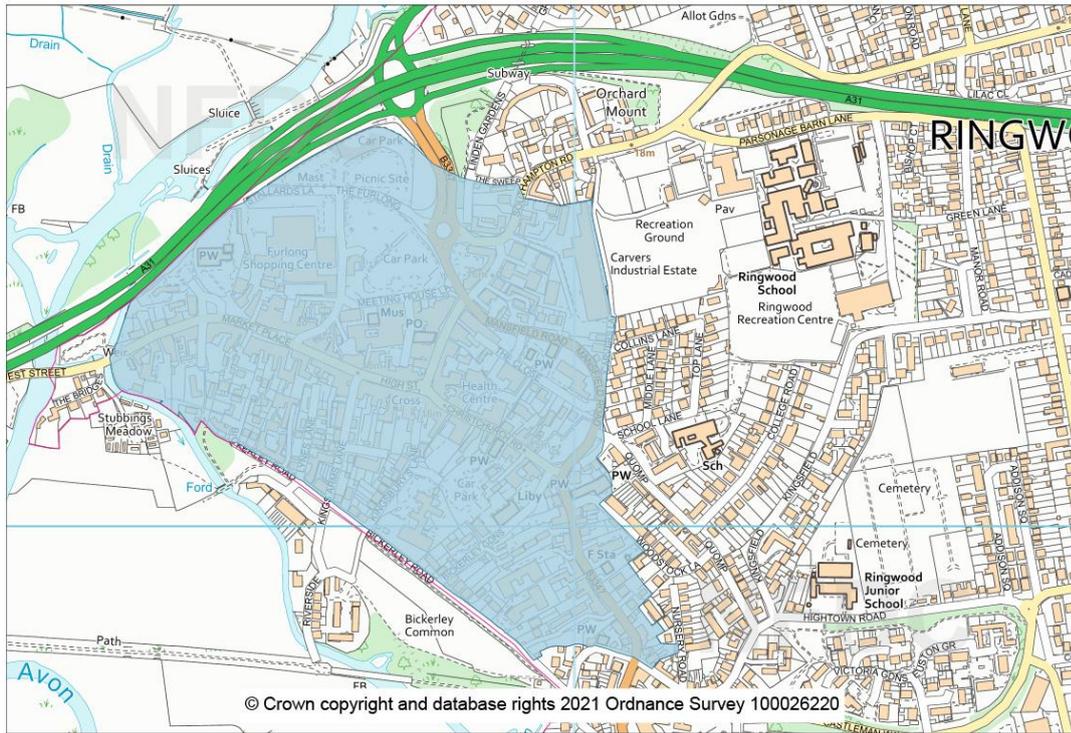
Lymington



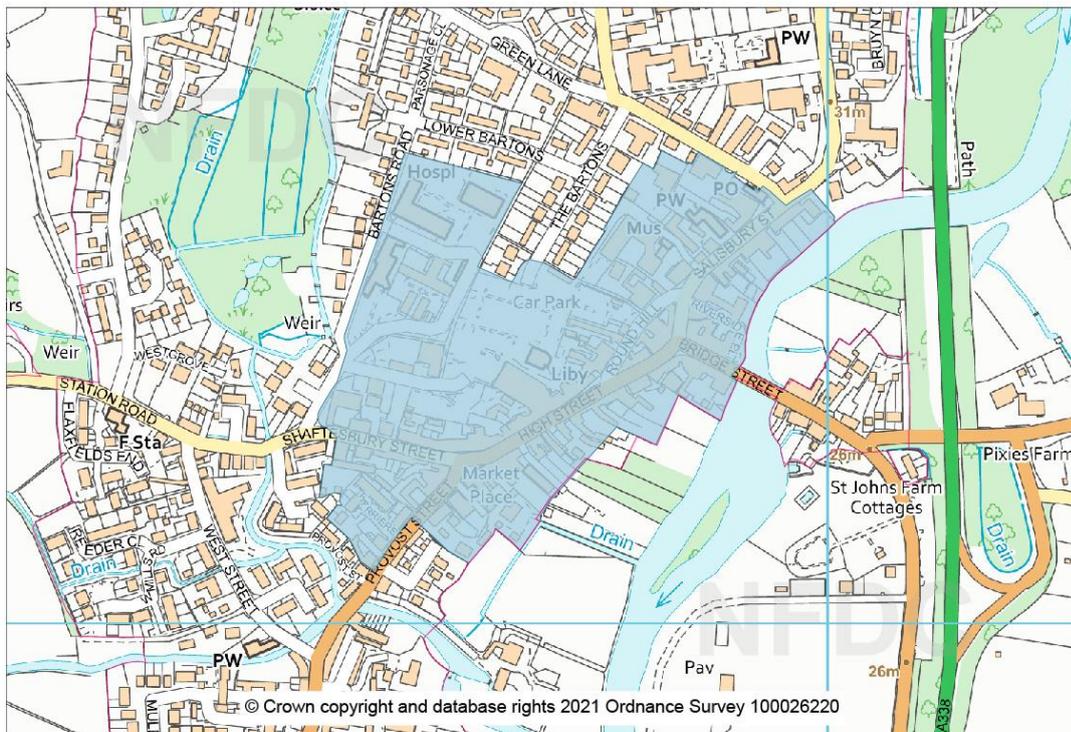
New Milton



Ringwood



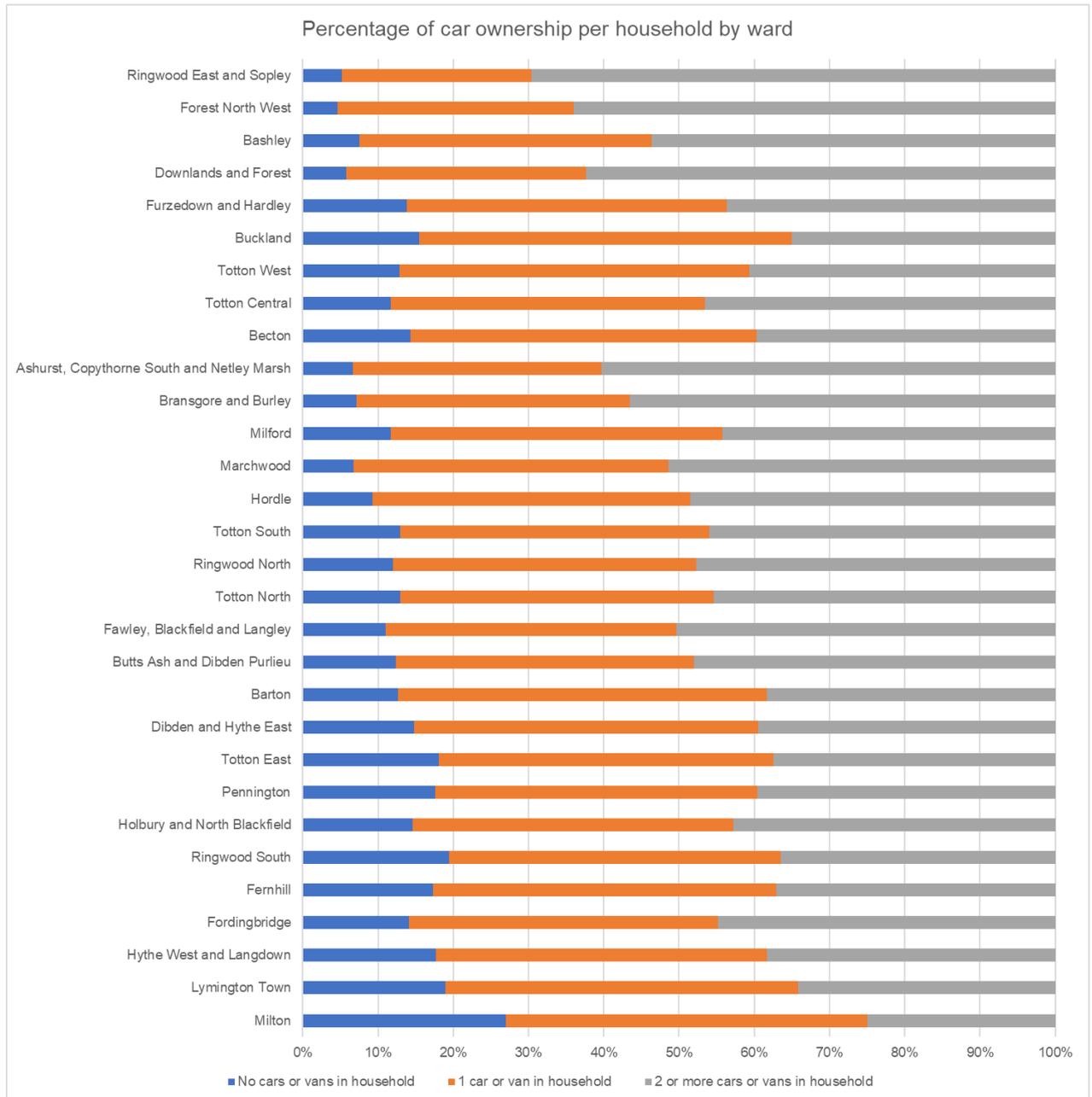
Fordingbridge



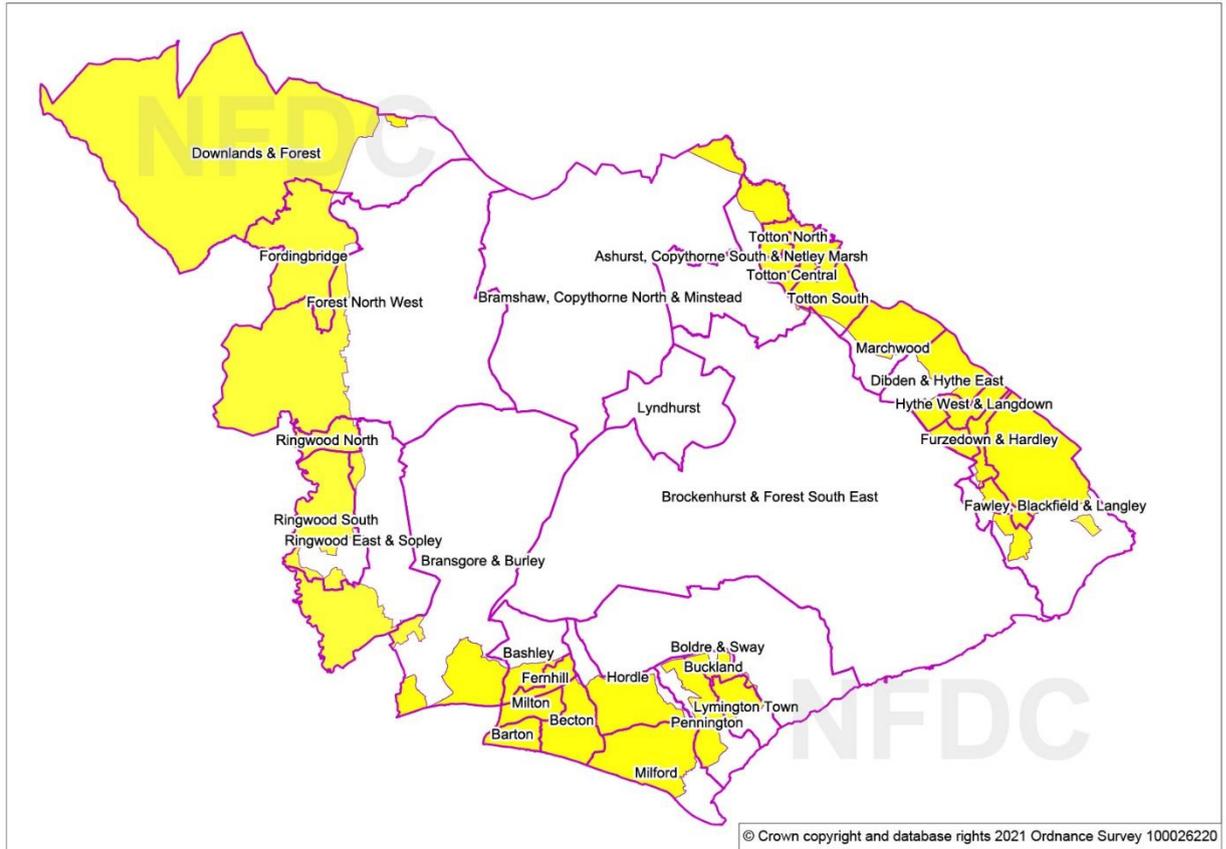
ANNEX 3: BACKGROUND EVIDENCE SUMMARY

A4.1 This Annex includes background information on car ownership, shown at the Ward level. Based on 2011 census data, it highlights the number of vehicles per household, and whether there are no, one, or multiple cars in the household.

A3.2 The average total number of vehicles in each Ward is 2,371.



Percentage of car ownership per household



New Forest ward names, with the New Forest District Council (outside the National Park) Plan Area shown in yellow.

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LOCAL PLANNING ENFORCEMENT PLAN 2022

1. RECOMMENDATION

- 1.1 That Cabinet approve the formal adoption of the new Local Enforcement Plan 2022

2. INTRODUCTION

- 2.1 The Local Enforcement Plan 2022 outlines New Forest District Council's approach to encouraging compliance with its regulations and policies in a way that is in line with current government legislation and guidance.
- 2.2 It explains how breaches of planning control will be investigated.
- 2.3 It provides a common reference point and guidance on a range of options available to achieve compliance.
- 2.4 It sets out the priorities we have for investigating alleged breaches of planning control.
- 2.5 It is intended for all users and providers of the service, including:
- Town and Parish Councils and Borough Councillors
 - members of the public,
 - interested parties,
- 2.6 The existing Local Enforcement Plan was adopted in December 2013 and as a result in changes in law, guidance and legislation it must now be updated to reflect the current and established practice and legislation.
- 2.7 If Cabinet are minded to adopt this draft Local Enforcement Plan, the December 2013 Plan will be superseded.

3. BACKGROUND

- 3.1 The National Planning Policy Framework (NPPF) states that local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area. The Plan should set out how the local planning authority will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where considered appropriate.

4. THE LOCAL ENFORCEMENT PLAN

- 4.1 The Plan sets out the proposed principles the Council should adopt towards Planning Enforcement, namely:
- Fairness
 - Efficiency and Timeliness

- Professionalism and Integrity
- Confidentiality

It sets out the timescales for how we will deal with complaints and the assessment process we go through when considering if, how or when to take action.

- 4.2 The approach set out in the document is considered to be a proportionate approach to the caseload that the local planning authority receives each year.

5. FINANCIAL IMPLICATIONS

- 5.1 Whilst the function of enforcement is a statutory requirement, the decision to take enforcement action is discretionary. The level of enforcement investigations and the type and nature of a decided action can have financial implications for the Council.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 The Local Enforcement Plan will improve the way the Council deals with planning enforcement cases and add clarity to the process followed, which will have a positive impact on the environment.

7. CRIME & DISORDER IMPLICATIONS

- 7.1 Following the processes set out in the Plan will help to restrict the potential for breaches of planning control to develop into criminal activity.
- 7.2 Formal planning enforcement action must only be conducted following liaison with Legal Services.

8. EQUALITY & DIVERSITY IMPLICATIONS

- 8.1 The plan will ensure that matters are dealt with on their planning merits and that matters that might discriminate against people or groups would not carry any weight.

9. CONSULTATIONS / COMMUNICATIONS

- 9.1 In drafting this document consultations have been undertaken with the Development Management Service Manager, Executive Head of Planning Regeneration and Economy and the Legal Services Manager.
- 9.2 This document has also been approved at EMT level and the Environment and Sustainability Overview and Scrutiny Panel prior to recommendation to be considered at this Cabinet.

10. PORTFOLIO HOLDER COMMENTS

- 10.1 Effective enforcement is important to maintain public confidence in the planning system, it is important that the Council maintains an up to date plan. This Plan sets out clearly to all those that might become involved in planning enforcement how we manage enforcement proactively, in a way that is appropriate to our District area. The Plan has been written in plain English and sets out clearly our positive approach to planning enforcement. The Council will, when it is considered appropriate and proportionate to

do so, take a robust approach to enforcing against confirmed breaches of planning control.

For further information contact:

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Claire Upton-Brown
Executive Head Planning, Regeneration and Economy

Background Papers:

Cabinet Paper 4 December
2013: Adoption of Local
Enforcement Plan
<https://democracy.newforest.gov.uk/Data/Cabinet/20131204/Agenda/CDR08726.pdf>

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LOCAL ENFORCEMENT PLAN 2022

Date adopted TBC

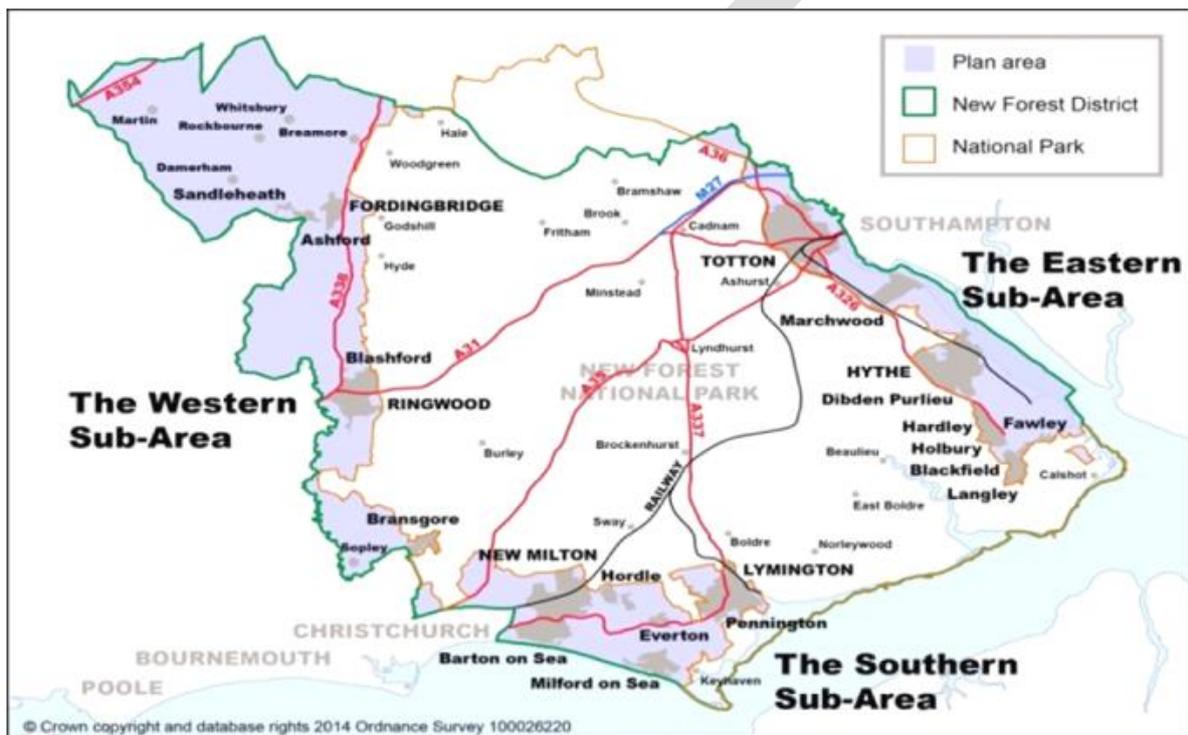
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1.0 Introduction

- 1.1 The New Forest District contains a wide variety of environments, including historic towns and villages, suburban areas, industrial estates and very attractive countryside and coastlines. Many of these areas are covered by national and international environmental designations, all of which are subject to high development pressure and all are valued by their residents.
- 1.2 The District Council deals with all planning matters outside the boundaries of the New Forest National Park. Within the National Park, all planning, including planning enforcement, is the responsibility of the New Forest National Park Authority.



- 1.3 This enforcement plan sets out New Forest District Council's approach to planning enforcement, it explains how breaches of planning control will be investigated, provides guidance on a range of options available to achieve compliance and sets out the priorities we have for investigating alleged breaches of planning control.
- 1.4 This enforcement plan is intended to provide useful information to anyone who thinks the planning rules may have been broken in the area.

2.0 Government Advice and Legislation

- 2.1 **The Town and Country Planning Act 1990** provides the main legislative framework for dealing with breaches of planning control. The Act provides the Council with the necessary powers to deal with breaches of planning control whilst the **National Planning Policy Framework (NPPF)** and **National**

Planning Practice Guidance (NPPG), provide guidance on how the Council should deal with breaches of planning control.

- 2.2 The National Planning Policy Framework (**NPPF**) and National Planning Practice Guidance (**NPPG**) make it clear that the powers provided by the Act *are discretionary* and should only be used when it is expedient to do so. Any action taken should be commensurate with the seriousness of the breach of planning control and the harm caused or harm that may be caused.

The NPPF states that: -

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a **local enforcement plan** to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

- 2.3 NPPG provides additional guidance to that contained in the NPPF under the title “Ensuring Effective Enforcement”. For further advice please follow the link [Ensuring effective enforcement - GOV.UK](#)

3.0 Aim of Planning Enforcement

- 3.1 The Council aims to provide an efficient and effective planning enforcement service within the resources available, whilst treating all our customers with courtesy, respect and fairness.
- 3.2 The Council aims to remedy the undesirable effect of unauthorised development and to strike a balance between protecting amenity/environment and other interests.
- 3.3 The Council will, when it is considered appropriate and proportionate to do so, take a robust approach to enforcing against confirmed breaches of planning control.

4.0 What is a breach of planning control?

- 4.1 A breach of planning control occurs when one of the following takes place:
- Carrying out of operational development (building or other works) without the required planning permission.
 - Carrying out of material changes of use without planning permission.
 - Failing to comply with a condition or limitation subject to which planning permission was granted.
 - Carrying out of works to a Listed Building without the relevant permission(s).
 - Unauthorised works to a tree protected by a Tree Preservation Order or works carried out to trees within a Conservation Area.

- The display of advertisements without advertisement consent.
- The neglect of land or buildings to an extent which causes harm to the amenity.
- Failure to comply with Section 106 Agreements/undertakings.
- Engineering operations such as the raising or lowering of ground levels and formation of earth bunds; carried out without the benefit of planning permission.
- Not building in accordance with the approved plans (following the granting of planning permission).

4.2 Most breaches of planning control are not, in themselves, criminal offences. Under current legislation the potential commission of a criminal offence ordinarily only arises if the requirements of a notice that has taken effect and have not been complied with in the time required within the notice. However, certain breaches of planning control do constitute a criminal offence from the outset. Such breaches include:

- Unauthorised works to a Listed Building, without the necessary consents.
- Unauthorised works to a Protected Tree or tree within a Conservation Area.
- The display of Advertisements which do not benefit from deemed consent.

5.0 Matters which are not breaches of planning control

5.1 The following list contains examples of those matters which do not constitute a breach of planning control. This list is not exhaustive:

- Internal alterations to a building which is not a listed building.
- Obstruction of a highway or public right of way.
- Land ownership disputes and boundary disagreements.
- Parking of vehicles on the highway or on grass verges.
- Operating a business from home, where the residential use remains to be the primary use of the property and there is no significant impact on the residential amenity or the character of the area.
- Covenants and restrictions on Deeds and Land Registry enquiries.
- Advertisements which are exempt or benefit from deemed consent.
- Any development deemed to be “Permitted Development” by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 or in any statutory instrument revoking and re-enacting that Order, i.e. where it does not need the permission of the Council.
- Clearing land of overgrowth, bushes or trees (provided the trees are not subject to a Tree Preservation Order or within a conservation area).

6.0 Enforcement action is discretionary

6.1 In most cases it is not a criminal offence to undertake development without first obtaining planning permission or other formal consent.

- 6.2 The Government has made it clear through legislation and guidance that the response to an alleged breach of planning control is a matter for the discretion of the local planning authority. Not every breach of planning control justifies the taking of enforcement action.
- 6.3 The Council must make a judgement having regard to National Planning Policy (including the National Planning Policy Framework), Local Planning Policy (Currently this policy is the Local Plan 2016-2036 Part 1: Planning Strategy which includes the saved policies), Case law and any other relevant planning considerations.
- 6.4 Guidance from Central Government is that enforcement action should be a last resort and that councils are expected to give those responsible for a breach of planning control the opportunity to put matters right or to seek to regularise the breach before resorting to formal action such as an Enforcement Notice. Any such service of a formal notice must be proportionate and commensurate with the alleged breach of planning control.
- 6.5 In exercising planning functions, the Council is required to consider whether enforcement action is in the public interest. At the same time, it is also under an obligation to act consistently with the **European Convention on Human Rights** (in particular, **Article 8 – the Right to Respect for Home, Privacy and Family Life, Article 14 – Prohibition of Discrimination, and Article 1 of the First Protocol – Right to the Enjoyment of Property**). Regard must also be had to the **Equality Act 2010**.
- 6.6 Any one or a combination of these factors may mean that the Council will decide **not** to take formal action in any particular case where there has been a breach of planning control. It **will** however take action where a breach causes significant harm.

7.0 How to report an alleged breach of planning control

- 7.1 If someone believes that a breach of planning control has occurred, they should notify the Council's Planning Enforcement Team using one of the following options:
- By using the Council's Online reporting form which can be found at: http://forms.newforest.gov.uk/ufsatc/ufsmain?formid=EC_COMPLAINT&ebz=1_1495437560026&ebd=0&ebz=1_1495437560026
 - By telephone: 023 8028 5000 select option 3
 - By email to: planning@nfdc.gov.uk
- 7.2 In order for the Council to investigate your complaint you will need to provide the following information:
- The address of the site or directions (we may need a plan so that we know exactly where the site is).
 - What the breach of planning control is considered to be and when it first occurred.

- The name and address of the landowner(s) and/or the person responsible for carrying out the works, if known.
- Your name, postal address, email address and telephone number.

7.3 Anonymous complaints will not be investigated unless they relate to a serious breach of planning control involving for example:

- A matter of public health or safety. Such as development causing severe pollution problems.
- The storage and handling of hazardous materials.
- The development of contaminated land.
- Works to protected trees.
- Works affecting heritage assets.
- There is evidence of significant irreversible harm.

7.4 The Council will determine whether the alleged breach merits further investigation. If complainants do not wish to give their personal details, they will be advised to contact either their Local Borough Councillor or their Parish Council who may then contact the Planning Enforcement Team on their behalf.

8.0 What can you expect if you report an alleged breach of planning control?

8.1 We will:

- Investigate alleged breaches of planning control reported to the Council.
- Keep your personal details confidential at all times, unless required to disclose them.
- Register your complaint within 3 working days, providing you with an acknowledgement and reference number with a named officer as the point of contact.
- Check the site planning history.
- Visit the site within the requisite time period (see priorities below) – planning enforcement officers have powers to enter land at any reasonable hour to investigate alleged breaches of planning control. Should access be required to a dwelling house 24 hours' notice must be given, in accordance with Section 196A of the Town and Country Planning Act 1990.
- Take photographs when on site and measurements if necessary.
- Establish whether a breach of planning control has taken place.
- Find out the details of the landowner.
- Establish the identity of the person(s) responsible for carrying out the breach (if not the landowner).
- On occasions, the Council may issue a Planning Contravention Notice (PCN). This is a formal request for information.

- We will provide you with an update as to the progress on, or outcome of, any investigations every 6 weeks and on the conclusion of the case.
- Actively pursue your complaint to a conclusion.
- Investigations into alleged breaches of planning control may take some time as cases can be complex and raise a variety of issues that need careful consideration.
- In cases where we decide there has not been a breach of planning control, we will close the case and notify you.
- In cases where there may be a technical breach of planning control, but the harm caused is insufficient to warrant formal action (non-expedient) we will inform you of the reason(s) for not taking formal action and close the case.
- Negotiate with those responsible for any breach of planning control, allowing them the opportunity to resolve the matters of concern rather than issuing a formal Notice in the first instance, unless the breach is so serious it warrants immediate action or where negotiations become protracted with no real likelihood of success.

8.2 When a breach of planning control is found to have occurred and it is causing significant 'harm' the case will be pursued until such a time that the matter is resolved, or the breach is regularised or found to be lawful or the decision is taken that it is not expedient to pursue any further for sound planning reasons.

8.3 In the event that a formal notice is served and not complied with, the Council will consider pursuing the case through the Magistrates' Court or Crown Court where necessary and appropriate. Exceptionally the Council may decide to carry out works required in an Enforcement or other Notice which is not being complied with and will seek to recover the costs of doing so.

8.4 We will not re-open a case that has been closed unless there is a significant new piece of information or change on site.

9.0 What happens if an allegation is made that you have breached planning control?

9.1 If a complaint is received you will be contacted by an Enforcement Officer. In cases where access to a dwelling house is required the Enforcement Officer will give at least 24 hours' notice. However, the site inspection may be undertaken without any prior notification should it be considered detrimental to the investigation to give such notice. The purpose of this visit is to establish the facts and whether there is any basis to the allegations made. The investigating Officer will, where necessary, take measurements and photographs of the development or activity taking place.

9.2 Enforcement Officers do have a right to enter land to undertake an investigation, in accordance with Section 196A of Town and Country Act 1990.

9.3 If it is established that there is a breach of planning control you will be advised of the details of the breach and what steps may be needed to either rectify the breach or regularise the situation.

9.4 You will be given a reasonable period of time (subject to the nature of the breach) to resolve any breach of planning control. If compliance is not secured through negotiations or the submission of a retrospective planning application, formal action may be instigated.

10.0 How we prioritise complaints

10.1 To make the most effective use of resources, complaints regarding suspected breaches of planning control will be assigned a Priority Rating depending on the nature of the breach and the degree of harm caused. Individual cases may be re-prioritised as the investigation progresses.

Priority	Examples of Alleged Breach Of Planning Control
<p>1 Site visit within 1-2 working days of receipt.</p>	<ul style="list-style-type: none"> • Unauthorised development/activity which is causing immediate and irreversible harm in the locality. • Unauthorised works to trees subject of a Tree Preservation Order or to trees in a conservation area. • Unauthorised works to a Listed Building. • Development which is likely to give rise to a serious risk of harm to public health, public safety or seriously compromise highway safety (including a Breach of Condition).
<p>2 Site visit within 10 working days from receipt.</p>	<ul style="list-style-type: none"> • Stationing a new residential caravan in the countryside (including gypsy sites and travelling show people sites). • Works not in accordance with a planning permission. • Householder development. • Commencement of development (following the grant of planning permission) without discharging 'pre-commencement' conditions – except for issues such as landscaping or means of enclosure, which are unlikely to require immediate action.

Priority	Examples of Alleged Breach Of Planning Control
<p>3 Site visit within 15 working days from receipt.</p>	<ul style="list-style-type: none"> • All other breaches of conditions. • Changes of use not covered by Priority 1 or 2. • Earthworks and changes to land levels. • Display of advertisements. • Agricultural developments. • Equestrian related developments. • Gates, walls, fences. • Satellite dishes. • Untidy land. <p><u>(Note: adverts and fence issues may be increased in priority if highway safety issues are identified).</u></p>

11.0 What are the possible outcomes of an investigation?

- 11.1 **No breach established** – Following investigation it may be found that there is no breach of planning control because, for example, the unauthorised use has ceased or the development is permitted development or no development has taken place.
- 11.2 **There is a breach of planning control but not considered expedient to pursue formal action** – Just because a breach may exist does not automatically mean that formal action should be taken. Enforcement powers are discretionary and should be used proportionately. So, for minor or technical breaches which cause little or no harm it may be considered inexpedient to take enforcement action.
- 11.3 **The development is lawful and immune from enforcement action** –
- This is when unauthorised operational development commenced more than 4 years ago, or
 - an unauthorised change of use of a building to a single dwelling house commenced more than 4 years ago, or
 - an unauthorised material change of use has been continuing for more than for 10 years, or
 - where planning conditions imposed by way of a planning permission have been breached for a continuous 10-year period.

In any such case, the person responsible for the breach is entitled to immunity from enforcement action. They may be asked to submit an application for a Certificate of Lawful Use or Development which will enable the Council to make a formal decision on whether the breach has become lawful by the passage of time and is therefore immune from enforcement action. These time limits may be extended where there is evidence that the alleged breach has been deliberately concealed from the Council. This is explained in more detail below under the heading “Deliberate Concealment – Planning Enforcement Orders”.

- 11.4 **Negotiations take place to find a solution** – In accordance with Government guidance, the first priority is to try and resolve any breaches of planning control through negotiation. Only when such negotiations fail to secure a solution should formal action be considered. The Council will not however allow negotiations to become protracted where there is a need to make the development acceptable or where there is a requirement for a particular use to cease.
- 11.5 **Invitation to submit a retrospective application** – In accordance with Government advice, where a breach of planning control is considered to be acceptable in planning terms, the Council may invite the submission of a retrospective planning application for formal consideration by a planning officer.
- 11.6 A retrospective application will only be invited where we consider that there is a reasonable likelihood that permission or consent may be granted in line with Local and National planning policies or where a development may be made acceptable by way of the imposition of conditions. However, the fact that an application is submitted does not necessarily mean it will be approved.
- 11.7 **Under-Enforcement** - Where development has been carried out without planning permission, and where the development could be made acceptable by imposing conditions, a retrospective application may be invited. If after a reasonable period of time the owner or occupier of the land fails to submit such a planning application, consideration will be given to serving an Enforcement Notice which “under-enforces”; that is, it has the effect of granting planning permission subject to the terms of the Enforcement Notice being complied with in full. This will only be used where it is considered that the harm caused by the unauthorised development is such that it can be made acceptable if controlled by restrictions or requirements imposed by a Notice. In such circumstances the Council will notify the owner or occupiers of the land, the complainants and the Local Ward Borough Councilors, and where appropriate the Parish and Town Councils, of the intended course of action.
- 11.8 **Formal Action** - The Council considers that the harm caused by the unauthorised development is unacceptable and it is therefore necessary to take formal enforcement action to remedy the breach of planning control. The more common forms of enforcement action are listed below:
- The service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 that identifies a breach of planning control and requires specific steps to be undertaken to remedy the breach.
 - The service of a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires specific steps to be undertaken to bring a listed building back to its former state or to carry out work to alleviate the effects of unauthorised works or to bring the building into the state it would have been if the terms of any listed building consent had been observed.
 - The service of a Breach of Condition Notice (BCN) under Section 187A of the Town and Country Planning Act 1990 to secure compliance with conditions imposed on a planning permission.

- The service of a Stop Notice or a Temporary Stop Notice (TSN) under Section 183 and Section 171E of the Town and Country Planning Act 1990 requiring the cessation of unauthorised activities. A Stop Notice may only be served in conjunction with an Enforcement Notice referred to above. Before issuing a Stop Notice the Council will carry out a cost benefit analysis so that any costs incurred by the developer by having to stop works are fully taken into account and weighed against the harm being caused and the likelihood of planning permission being granted. A TSN is not issued in conjunction with an Enforcement Notice and will last a period of up to 28 days after it is served. There is no right of appeal against either a Stop Notice or a TSN.
 - The service of a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land and buildings.
 - In extreme cases where the need arises proceedings for an injunction may be considered. The Council is entitled under s187B of the Town and Country Planning Act 1990 to seek to obtain an injunction in either the High Court or County Court in order to restrain a breach of planning control. Should there be non-compliance with an injunction, the person in breach will be in contempt of Court, and may be liable to financial penalty, or committal to prison.
- 11.9 If enforcement action is considered to be necessary, the Enforcement Team will instruct the Council's Legal Team and aim to issue an Enforcement Notice or other relevant Notice within 28 days of sending those instructions.
- 11.10 **Right of Appeal** - The recipient of an Enforcement/Listed Building Enforcement Notice has the right to lodge an appeal before the date on which the Notice takes effect (which must be at least 28 days from the date when the notice is served). Appeals are decided by an independent Planning Inspector and it will take several months, or longer in complex cases, before there is a formal decision. If there is an appeal interested parties will have an opportunity to make representations to the Planning Inspectorate.
- 11.11 **Failure to comply with the requirements of a Notice** - Where a landowner/occupier or other person responsible for a breach of planning control does not comply with a Notice (after either the appeal process has been exhausted and the Notice has been upheld or an Enforcement Notice has come into effect without an appeal being made), the Council can:
- Take direct action to remedy a breach. Where such action is taken the Council will seek to recover the costs of undertaking the works from the landowner, including charging the land with the costs incurred. Whilst this can be an effective way to secure compliance with an Enforcement Notice, it can also involve a significant cost to the Council. Such action will, therefore, only be considered in exceptional circumstances, and will be subject to appropriate resources being identified.
 - Prosecute landowners who fail to comply with an Enforcement Notice within the compliance period. In most cases this will be the preferred method.
 - Prosecute landowners who have committed other criminal offences such as unauthorised works to protected trees and listed buildings and the display of advertisements without consent.

- Apply to the County Court or High Court for an injunction in serious cases.

12.0 Enforcement Register

- 12.1 The Council has a statutory duty to hold and maintain an enforcement register. This records details and basic information about what notices have been issued. The notices contained in the register are:
- Enforcement Notices
 - Breach of Condition Notices
 - Stop Notices
- 12.2 Enforcement registers are public records and can be viewed online by following this link: [Enforcement Register](#)

13.0 Deliberate concealment - Planning Enforcement Orders

- 13.1 In accordance with Sections 171BA, 171BB and 171BC of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, the Council can apply to the Magistrates' Court for a Planning Enforcement Order to be made if it finds that an owner/occupier has deliberately concealed an unauthorised development.
- 13.2 In these circumstances, the Council will need to produce evidence that the owner/occupier has taken positive steps to conceal the unauthorised development, rather than merely refraining from informing the Council about it. An application must be made within 6 months, starting with the date on which sufficient evidence of the apparent breach came to the Council's knowledge.
- 13.3 If a Planning Enforcement Order is made, the Council is able to take enforcement action in relation to a breach of planning control notwithstanding that the time limits for taking enforcement action may have expired. If an Order is granted the Council has a further 12 months to complete its investigations and take formal action.

14.0 Other useful links

<https://newforest.gov.uk/>

https://www.planningportal.co.uk/info/200125/do_you_need_permission/90/interactive_house

[The Conservation of Habitats and Species Regulations 2017](#)

<https://www.gov.uk/guidance/ensuring-effective-enforcement>

<http://www3.hants.gov.uk/archives/hals-collections/hedgerows.htm>

<https://www.hants.gov.uk/transport/parking/droppedkerbs>

<http://www3.hants.gov.uk/mineralsandwaste/monitoring-and-enforcement-homepage.htm>

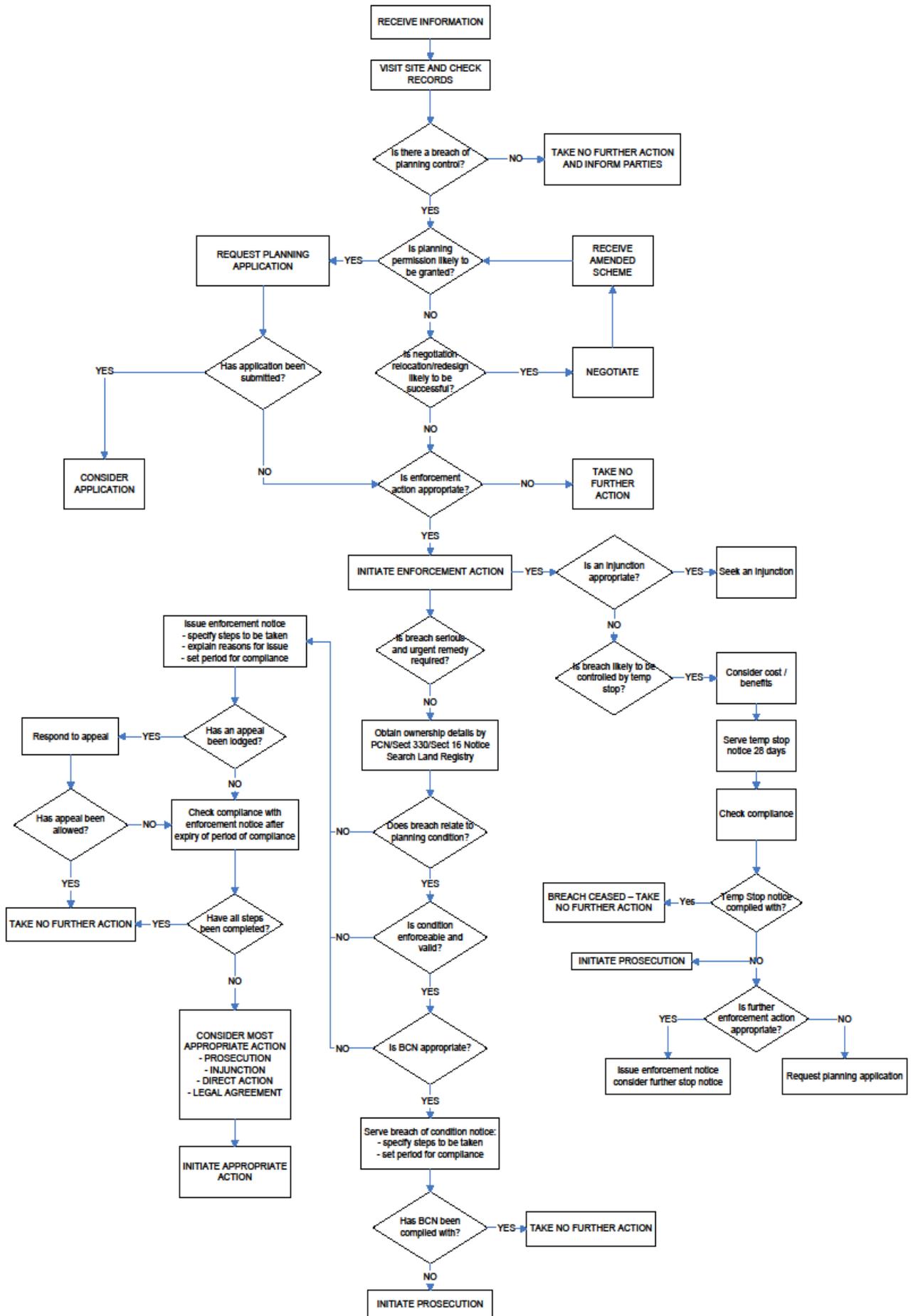
<https://www.gov.uk/government/organisations/environment-agency>

<https://www.gov.uk/government/organisations/land-registry>

<https://www.citizensadvice.org.uk/>

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CABINET 6 APRIL 2022

PORTFOLIO: PLANNING, REGENERATION
AND INFRASTRUCTURE

INTRODUCTION OF S106 MONITORING CHARGES

1. RECOMMENDATIONS

- 1.1 That the Cabinet agree to the introduction of S106 monitoring charges as set out in this report.

2. INTRODUCTION

- 2.1 The purpose of this paper is to set out a Charging Schedule for monitoring of the S106 Agreements for all sites where an obligation exists.

- 2.2 This Paper will provide:

- An outline of the legislative and policy background to Section 106 Agreements;
- Why charging for the monitor of the Legal Agreement is considered necessary;
- A description of the monitoring activities that the proposed charge relates to; and
- Proposed monitoring charging mechanism.

- 2.3 The paper only relates to the introduction of monitoring charge.

3. BACKGROUND

- 3.1 Planning obligations are legal obligations entered into to mitigate the impacts of a proposed development. Planning obligations are normally secured through a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and are a mechanism through which development proposals can be made acceptable in planning terms.

- 3.2 The Local Government Act 2003 (Section 93) provides the legislative basis for local authorities to charge for discretionary services such as the administration/monitoring of Section 106 Agreements. An amendment to the CIL Regulations in September 2019 clarified that monitoring contributions could be sought through a S106 agreement, and it is in this context it is considered appropriate to recover the cost of administration and monitoring Section 106 obligations.

- 3.3 The proper administration of Section 106 monitoring regime is resource intensive, and it is considered appropriate to ensure that monitoring is cost neutral to the Council.

4. LEGISLATION, GUIDANCE AND POLICY CONTEXT

- 4.1 Regulation 122 of the CIL Regulations (as amended), which details the limitation on the use of planning obligations, applies to all planning applications made to a local planning authority that are determined by the local planning authority, and to appeal and call-in determinations. A planning obligation may only constitute a reason for granting planning permission if it complies with the three tests stated in Regulation 122(2), namely, that it is:

- necessary to make the development acceptable in planning terms;

- directly related to the development; and
 - fairly and reasonably related in scale and kind to the development
- 4.2 A planning obligation which does not meet these three tests would not constitute a reason for granting planning permission.
- 4.3 In 2019, the Government acknowledged the administrative burden monitoring S106 agreements can have on local planning authorities and on 1 September 2019 amended CIL Regulations came into force with Regulation 10 stating under the sub-heading 'Fees for monitoring planning obligations' that such monitoring fees can be sought where:
- the sum to be paid fairly and reasonably relates in scale and kind to the development; and
 - the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.
- 4.4 In July 2020 the Council adopted the Local Plan 2016-2036 Part One: Planning Strategy. The Local Plan proposes over 10,000 new dwellings over the Plan period. A number of strategic housing sites are identified ranging from 100 to 1400 dwellings. The plan recognises the importance of appropriate infrastructure to support new development via policy STR7 and STR8. Policy IMPL3 specifically references the need for monitoring.

5. WHY A MONITORING CHARGE IS NECESSARY

- 5.1 The implementation of an administrative charge will allow the Council to clarify its approach and provide a more efficient service for all matters relating to the monitoring of S106 planning agreements. This should be of benefit to all parties involved in the process. By having a robust monitoring framework in place it will help to ensure that good quality development is delivered in accordance with the requirements of the Local Plan.
- 5.2 It is acknowledged that developments need to be viable to be delivered and any monitoring fee will add to the overall cost of the development by a small amount.
- 5.3 There are two distinct forms of monitoring within Section 106 legal agreements:
- Monitoring of commencement/phasing triggers to ensure financial contributions are collected; and
 - Physical monitoring of compliance with the terms of the agreement, e.g. monitoring delivery and ongoing management of infrastructure, biodiversity net gain and affordable housing.
- 5.4 Any proposed monitoring charge will cover a number of different aspects of monitoring legal agreements including, but not limited to:
- Affordable Housing delivery
 - Biodiversity Net Gain
 - Open Space implementation including play provision
 - Habitat Mitigation (Alternative Natural Recreational Greenspace)
 - Financial contributions for mitigation monitoring
 - Air Quality monitoring

- Nitrate and phosphate monitoring
- Transportation improvements
- Education contributions/new school

5.5 Obligations relating to transportation, travel plans and education are a County Council matter and Hampshire County Council (HCC) have set monitoring charges.

6. SECTION 106 MONITORING MATTERS

6.1 The following is a list of aspects in Section 106 agreements that require some form of monitoring.

Recreational Habitat Mitigation

6.2 Developers are required to contribute towards the recreational impacts of their development on both the New Forest and Solent SPAs. This can take the form of both a financial contribution towards monitoring, access management and offsite projects and/or the physical provision of onsite mitigation land (alternative natural recreational greenspaces).

6.3 Where a physical provision is made onsite, ongoing monitoring is required to ensure that it remains at the agreed standard in perpetuity following practical completion. Monitoring is required regardless of who is managing the land.

6.4 For developments under 49 dwellings, the offsite contribution will be collected on, or prior to commencement. Therefore, monitoring of build out will be required to ensure that this contribution is paid.

6.5 No monitoring fee is collected where Unilateral Undertakings are used to secure a financial contribution for offsite provision as the contributions are secured upfront.

Affordable Housing

6.6 Policy HOU2 of the Local Plan sets out the required affordable housing provision for sites of 11 or more dwellings. Monitoring takes place to ensure that the agreed mix is provided at agreed triggers and that a suitable registered provider is on board to manage the affordable housing.

6.7 Discounted market units may be proposed on the site with specific eligibility of the occupants with restrictions on selling the property. First Homes require on-going monitoring by the Council.

Biodiversity Net Gain

6.8 The Council took the decision in July 2020 to require developments of a certain scale to deliver biodiversity net gain which must be maintained for at least 30 years (in perpetuity) after completion of a development. The Environment Act 2021 has now introduced a mandatory requirement for developments to provide a 10% biodiversity net gain.

6.9 This future maintenance will include management plans and operational considerations for ongoing management, this will need to be monitored by the Council together with appropriate recording of monitoring.

6.10 The Management and Monitoring regime will be secured via a s106 agreement and will have to be registered on a publicly available biodiversity gain site register.

Therefore, monitoring is required by the local planning authority to ensure that biodiversity net gain is achieved in perpetuity.

On site open space

- 6.11 In accordance with saved policy CS7 then sites over 0.5ha should provide open space on site. Much like the recreational mitigation space provided this will need to be inspected before practical completion and on an annual basis for the period agreed in the Section 106.
- 6.12 Open space and landscaping features must be laid out and maintained in accordance with the details approved by the local planning authority.

Air Quality

- 6.13 As stated in the Local Plan, modelling of traffic emissions from cumulative traffic growth over the Plan period has identified potential for significant adverse effects of parts of the New Forest SPA and SAC from nitrogen deposition and ammonia, particularly near main road corridors through the New Forest in areas lacking screening woodlands.
- 6.14 Policy ENV1 requires a financial contribution from all residential development for implementing a monitoring strategy.

Nutrient Neutral Development

- 6.15 As set out in the Local Plan ‘Phosphorus concentrations in the River Avon have reached a level where adverse effects upon the integrity of the River Avon SAC cannot be ruled out.’
- 6.16 The Local Plan also sets out a similar issue in regards to nitrogen levels being discharged to the Solent designated sites from wastewater discharges.
- 6.17 If an application proposes an onsite solution, then this will need to be monitored at agreed intervals, it is considered appropriate that the developer is charged a monitoring fee. If an offsite solution is agreed, e.g. by the purchase of nitrate credits from a third party then no monitoring is required.

7. SPECIFIC MONITORING REQUIREMENTS

- 7.1 The following table lists the specific monitoring requirements that are required on average in relation to each of the specified obligations.

Monitoring of build rates to ensure financial contributions paid

- 7.2 This will include the cost of checking both commencements and raising invoices between Planning and Finance.

Monitoring Area	Monitoring activity	Quantity of monitoring	Total time for monitoring contribution	Monitoring fee
Recreational mitigation contributions	Monitoring commencement to collect payment	Minimum of 6 month check, including checking with	(10 x 2 hours) 20 hours support officer	£750

		planning officers and building control. (5 years)	(Planning and Finance)	
Affordable Housing	<p>Monitoring completion rates to ensure quantum of affordable housing delivered within each phase</p> <p>Annual check with housing providers on stock or through notification by provider</p> <p><i>Shared Ownership</i> shared ownership schemes require the ability to staircase to full ownership. Monitoring required to ensure the receipts from initial sales reinvested in new affordable housing stock</p> <p><i>First Homes</i> Need to ensure that correct marketing requirements/times are in place for initial homes and checking of subsequent sales to ensure compliance</p>	<p>Minimum of 6 month check, including checking with planning officers and building control. (5 years)</p> <p>First Homes to be assessed on a case by case basis</p>	Total time 0.5 days per annum support officer (Planning and Finance)	£750
Air Quality	Monitoring commencement to collect payment	Minimum of 6-month check, including checking with planning officers and building control.	Same as recreational mitigation check (Planning and Finance)	nil

7.3 The number of visits listed below are based on the onsite requirement for a 50 dwelling development.

Physical Monitoring requirements

Monitoring Area	Monitoring activity	Quantity of monitoring	Total time for monitoring contribution	Monitoring fee
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Recreational Habitat Mitigation including on site alternative natural recreational green space (50 units plus)	Site inspections to practical completion during construction and post completion monitored to ensure that it is provided to an appropriate standard. This to be done in perpetuity which is 80 years.	6 visits from commencement to practical completion (1/2 day per visit) Annual visits years 1 to 5. Thereafter 1 visit every 5 years for 80 years Total time, 1 day per visit plus 0.25 day support per visit	23 officer days plus 6 general officer support days	£10,700
Biodiversity Net Gain	Review report submitted by developer/land manager. This will be done in perpetuity which is 30 years	Site visits as part of review of submitted report years 2/5/10/20/30 Review of monitoring reports at years, 2, 5, 10, 20 and 30 plus admin support	10 officer days plus 2.5 general officer support days	£4,625
Public Open Space (formal, informal, play area and landscaping)	Site inspections to practical completion during construction and post completion monitored to ensure provision to an appropriate standard and ongoing management/maintenance.	6 visits from commencement to practical completion (1/2 day per visit) Annual visits years 1 to 5. Further visits every 5 years.	13 days plus 3.5 days general officer support	£6,075
Nutrient Neutral Development	Site inspections/ review of developers monitoring report at regular intervals to ensure that required measures have been implemented and achieving the required levels of nitrate neutrality. In perpetuity is 80 years.	Annual visits years 1 to 5. Further visits every 5 years for 80 years. Total time, 1 day review and visit plus 0.25 days admin support per review	20 days officer time plus 5 days general officer support	£9,250

7.4 The period of perpetuity varies for different monitoring, this is a matter outside of the control of the Council.

8. PROPOSED MONITORING CHARGES

8.1 The following charges are proposed on the basis of the following assumptions.

- Specialist (e.g. Ecologist) £400 per day
- Planning Officer £400 per day
- General officer support £250 per day
- The average site visit times in section 7 are based on a development site of 50 dwellings.

8.2 The monitoring contribution relating to build out rate monitoring will remain fixed regardless of the scale of development. Other monitoring fees may increase based on the characteristics of the site. This is set out in the table below, the costs identified are one off payments that will be collected on the commencement of development.

Monitoring Area	Proposed charge based on 50 units	Proposed charges for developments over 50 units
Recreational Habitat Mitigation commencement	£750 one off fixed charge payment	£750
Recreational Habitat Mitigation physical inspections	£10,780	Minimum £10,780 additional rate charged if physical inspection likely to take additional time
Affordable Housing	£750	£750
Biodiversity Net Gain	£4,625	Minimum £4,625. Additional rate charged if physical inspection likely to take additional time
Public Open Space (formal, informal, play area and landscaping)	£6,075	Minimum £6,075. Additional rate charged if physical inspection likely to take additional time
Nutrient Neutral	£9,250	£9,250

8.3 If any of the above elements are not provided on site as part of the development, then that particular monitoring charge will not be required to be paid.

8.4 The monitoring charge would be subject to annual indexation uplift using the Retail Prices Index (RPI). The figures included in this report are before any form of indexation based on the current year as the base year.

8.5 The monitoring of build out charges relating to recreational habitat mitigation commencement and affordable housing will be payable regardless on scheme size.

9. FINANCIAL IMPLICATIONS

9.1 The introduction of a monitoring fee will enable the Council to recover the staffing costs resulting from monitoring commencements and physical monitoring on site. As this is a new fee income, and is linked to development rates, it is not a figure which

should be budgeted against as a guaranteed income stream. It is likely that there will need to be additional resources to carry out physical monitoring in the future as the monitoring activities increase with the build out of the strategic sites.

- 9.2 It is essential that robust monitoring is in place, with the income secured for monitoring used to fund this activity.

10. CRIME & DISORDER AND, EQUALITY & DIVERSITY IMPLICATIONS

- 10.1 All applicants will be charged according to the monitoring fees proposed.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 By ensuring a robust monitoring system in place it will help ensure that good quality open space and biodiversity net gain projects are provided when needed as part of a development.

12. DATA PROTECTION IMPLICATIONS

- 12.1 None

13. PORTFOLIO HOLDER COMMENTS

- 13.1 Given the scale of development that will be delivered across the District through the Adopted Local Plan, to ensure that developments are maintained in the way the planning permission set out, future monitoring of completed developments plays a key role. It is appropriate to introduce a charging schedule so that developers pay for the resource needed to undertake this work rather than our residents. This charging schedule sets the right balance around covering the additional cost of this work against the additional cost to the development. This is another positive step by the Council to ensure that we deliver sustainable development and contribute to addressing the climate and nature emergency.

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Background Papers:

Local Plan 2016-2036 Part 1: Planning
Strategy:
<https://newforest.gov.uk/article/1510/Local-Plan-2016-2036-part-1-Planning-strategy>

Infrastructure Delivery Plan 2018:
https://newforest.gov.uk/media/1316/Infrastructure-Delivery-Plan/pdf/SD05_Infrastructure_Delivery_Plan_Submission_Version_June_2018.pdf?m=637438200889500000

STRATEGIC RISK REGISTER

1. RECOMMENDATIONS

- 1.1 The Cabinet are requested to adopt the Strategic Risk Register, noting it will be under constant review.

2. INTRODUCTION AND PURPOSE

- 2.1 The Council's Strategic Risk Register has been reviewed and amended to reflect the recent changes to the respective Portfolio Holders.
- 2.2 The Strategic Risk Register (Appendix 1), now included within this report contains the significant risks, as identified by senior and executive council officers in consultation with the Portfolio Holders, in the Council achieving the priorities set out in the 'Community Matters Corporate Plan 2020-24'.

3. BACKGROUND

- 3.1 Risk management aims to identify the risks that may impact on the Council achieving its objectives. Its purpose is to evaluate, design and implement effective measures to reduce both the likelihood and potential impact of these risks occurring.
- 3.2 The Council has a statutory responsibility to have in place arrangements for managing risks under the Accounts and Audit Regulations; which require a sound system of internal control, facilitates the effective exercise of the body's functions and includes arrangements for the management of risk. As such it features strongly in the Council's Local Code of Practice for Corporate Governance and is one of the primary assurance strands in the Annual Governance Statement, which places significant reliance on a robust risk management framework.

4. STRATEGIC RISK REGISTER

- 4.1 The revised Strategic Risk Register (Appendix 1) captures the most significant risks to the delivery of the current Corporate Plan and the proposed actions to mitigate these risks.
- 4.2 These risks have been identified with senior and executive council officers working alongside the Portfolio Holders to ensure a joined-up approach in capturing and documenting these risks. The risks are listed within the Portfolio Holder Dashboards, now regularly shared with the relevant scrutiny panels. The mitigation offered is closely aligned to portfolio resource and service plans and, in some cases, relies on working with partners to help achieve the objectives. Other risks specific to service delivery and their mitigations are considered within individual Service Manager Dashboards.

5. FINANCIAL IMPLICATIONS

- 5.1 There are none arising directly from this report, although several risks do have the potential to have a financial impact to the Council. This is why strong risk management and a solid understanding of risk helps to support robust financial management.

6. CRIME & DISORDER IMPLICATIONS

- 6.1 There are no direct crime and disorder implications arising from this report.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 There are no direct environmental implications arising from this report.

8. EQUALITY & DIVERSITY IMPLICATIONS

- 8.1 There are no equality and diversity implications arising from this report.

9. PORTFOLIO HOLDER COMMENTS

- 9.1 The Leader of the Council supports the recommendation in this report.

For further information

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Strategic Risk Register 2020 - 2024 • March 22

Portfolio	Risk	Risk rating	Actions to mitigate risk	Residual risk rating
Leader's <i>Delivering a sustainable and prosperous New Forest and putting our community first</i>	Pressure on business resilience due to Covid related absence and diversion of resource, coupled with shortages in the labour market		<ul style="list-style-type: none"> Where appropriate some staff have been able to self-isolate and work from home and additional resource has been utilised where possible, minimising the impact on service delivery. Reflect changing labour market and plan for future recruitment and retention as part of the workforce strategy to maintain a strong offer as an employer of choice. 	
	There is a long-term negative impact on the local community and economy resulting from COVID-19.		<ul style="list-style-type: none"> During the pandemic the Council has worked with partners to support the local community. The continued operation of the Local Resource Hub, together with the voluntary sector and local community groups has supported many of the most vulnerable in the community. The use of Covid ambassadors to help keep residents & visitors safe together with the use of Applemore Health & Leisure Centre as a vaccination site are examples of the additional actions that the Council has taken to support the community and negate the impact of the pandemic. The work of the Council's Revenue & Benefit Services and the Economic Development Team has enabled £60m to be paid out to local business to protect the local economy. The support for the successful Solent Freeport provides an opportunity for future jobs. 	
	The current Ukraine Crisis has seen a change in policy on how countries purchase wholesale Gas and Oil from Russia. This has placed increased inflationary pressure on a global supply market that was already under strain due to increased demand. A shortage of supply and increasing demand has the potential to cause significant cost pressures to the Council and its partners, and contribute further to fuel poverty and cost of living challenges across the New Forest.		<ul style="list-style-type: none"> The Council's newly adopted climate and nature action plan will look to introduce a targeted reduction in energy consumption which will offer a level of protection against significant cost increases. Ongoing liaison with contractors and key strategic partners will continue in order to strike a suitable balance in terms of use of Council funding to mitigate rising cost as against placing increased pricing pressures on residents and customers. 	
	Uncertainty over the devolution agenda impacts on strategic direction.		<ul style="list-style-type: none"> Review of Levelling Up White Paper underway with a member briefing planned for March. Attendance at meetings and close liaison with partners, including with Hampshire County Council regarding the County Deal. 	

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Portfolio	Risk	Risk rating	Actions to mitigate risk	Residual risk rating
Planning, Regeneration and Infrastructure <i>Encouraging development that meets local needs and enhances the special qualities of the environment</i>	Competitors in the private sector take more of the Building Control market share.		<ul style="list-style-type: none"> Install new IT systems to enable enhanced mobile working and give officers on-site access to all Building Control. Forge links with local builders and architects and form working relationships by offering expertise and advice to enable building regulation standards are met. Continue to provide unrivalled service and charge only for the service provided to ensure value for money for the customer. 	
	Ability to respond quickly to changes in Government Guidance, Regulations & Legislation.		<ul style="list-style-type: none"> Ensure that potential changes are considered in Plan making work, ensure that changes in legislation are immediately reviewed and necessary changes to processes are made. 	
	Unable to maximise the benefits to the District associated with growth due to insufficient capacity.		<ul style="list-style-type: none"> Review capacity and skills and ensure that there is the right capacity and skills to maximise the benefits for the district resulting from growth. 	
	Lack of five-year housing supply weakens the ability to deliver quality developments.		<ul style="list-style-type: none"> Commenced work on Local Plan Part 2 'call for sites' proactive work on nitrate/phosphate/BNG projects to enable development to come forward, explore other enabling development measures to increase housing delivery numbers. 	
	Delivering lower numbers of affordable homes on strategic sites due to viability issues.		<ul style="list-style-type: none"> Ensure that viability assessments rigorously reviewed with comparisons made between different sites, considered whether other interventions are possible to redress viability issues. Need to consider impact on Housing Revenue Account delivery. 	
Housing and Homelessness <i>Creating balanced communities and housing options that are affordable and sustainable</i>	Increase in homelessness.		<ul style="list-style-type: none"> Prevention focussed service, Landlord Liaison Role and Forum, Partnerships, Housing Support Team. 	
	Loss of annual Government funding including, Homeless, Rough Sleeper Initiative and Discretionary Housing Payments.		<ul style="list-style-type: none"> Reduction in Bed & Breakfast expenditure and funding to access the private rented sector. Proposed restructure to maintain efficiency. Ongoing lobbying of Government. 	
	Loss of Housing Revenue Account (HRA) income through increase in rent arrears and void rent loss.		<ul style="list-style-type: none"> New Arrears Management software procured to enable monitoring and early intervention and new arrears recovery initiatives introduced. Void Project Team established and external contractors procured to carry out works and minimise turnaround. 	
	Compliance with property safety inspections (Gas, Electric, Legionella etc).		<ul style="list-style-type: none"> All statutory compliance matters treated as priority with additional resources in place to deal with scaling up of fire safety matters and asbestos actions. 	
	Changes in the Housing Market, valuations and legislation affecting housing development programmes.		<ul style="list-style-type: none"> Maintain close liaison links with affordable housing providers and Homes England. Flexible approach to rent designation of properties and Shared Ownership/rent designation. 	
	All local authorities will be expected to play a role in the Government's Homes for Ukraine Scheme, including support for the provision of housing for those fleeing the country and dealing with sponsor households. Current uncertainty and lack of guidance as to how the process will work.		<ul style="list-style-type: none"> Further guidance is awaited from central Government. Work ongoing with Hampshire Authorities, local groups and sponsor households to work through the process based on information provided so far. 	

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Portfolio	Risk	Risk rating	Actions to mitigate risk	Residual risk rating
People and Places <i>Engaging with our communities and maintaining the quality of the place in which they live</i>	Lack of investment in technology and/or the wrong technology results in an inability to move towards digital service delivery.		<ul style="list-style-type: none"> Website delivery included in Information and Communication Technology work programme. 	
	An increase in the health and social inequalities as a consequence of the impact of Covid. A negative impact on all health and wellbeing measures, particularly young people's mental health.		<ul style="list-style-type: none"> Community Strategy in development Health delivery plan in development Working with organisations to increase skills and awareness to support early intervention on wellbeing issues. Working with communities of most need to increase engagement Community Grants 	
	Lack of understanding of community needs and the ability to provide support for the needs, including with the impact of COVID-19.		<ul style="list-style-type: none"> Community Strategy under development. Community COVID-19. Recovery Task and Finish Group recommendations. Community Grants. 	
	Lack of cemetery provision within the district in the medium term.		<ul style="list-style-type: none"> To review the capacity of existing cemeteries and consider new sites for cemeteries. 	
Finance, Investment and Corporate Services <i>Enabling service provision and ensuring value for money for the council taxpayer</i>	Financial uncertainty arising from COVID-19 pandemic.		<ul style="list-style-type: none"> Robust financial monitoring and reporting arrangements, prudent financial planning, government grants / support. 	
	Comprehensive Spending Review may result in funding fluctuations and continued funding uncertainty.		<ul style="list-style-type: none"> Prudent financial planning, with options to close the gap being drawn up and worked on. Budget equalisation reserve available to support the production of a balanced budget. 	
	1 year settlement for 22/23 now known. Additional funding has been offered, but no longevity to it.		<ul style="list-style-type: none"> Prudent financial planning, regard additional 22/23 funds as one-off. 	
	Lack of suitable commercial property investment opportunities in the district.		<ul style="list-style-type: none"> Good links with local agents, responsiveness to opportunities that arise. 	
	Lack of suitable residential property opportunities in the District.		<ul style="list-style-type: none"> Good links with local agents, responsiveness to opportunities, stronger residential property market than expected during the period of restrictions. 	
	Delays in the delivery of new depot facilities.		<ul style="list-style-type: none"> Contingent on operational needs being clarified as part of the proposed waste strategy. 	
	Financial impact to the Council (General Fund and HRA) and vulnerable residents because of rising inflation and potential fuel poverty		<ul style="list-style-type: none"> The Council has a general and HRA budget reserve that will be used, if necessary, to accommodate the short term impact of rising inflation on the Council. Medium Term Financial Planning will consider the impact beyond 2022/23. The one-off Household Support Fund grant will be utilised to support vulnerable residents. Citizens Advice New Forest have limited funding to support vulnerable households with fuel and energy bills, with the potential for further HCC funding. NFDC will work with them, and with partners, to provide advice and signpost support. 	

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Portfolio	Risk	Risk rating	Actions to mitigate risk	Residual risk rating
Partnering and Wellbeing <i>Improving the health and wellbeing of our community</i>	Impact of Covid-19 on the leisure market results in lack of customer confidence and reduced income.		<ul style="list-style-type: none"> Working with Freedom Leisure to minimise impact on service provision. Increased communication with customers. 	
	Coronavirus pandemic - Reallocation of resources to high priority areas results in regulatory activity not being undertaken i.e., food hygiene inspections.		<ul style="list-style-type: none"> Recruiting to vacant posts in all areas of the service, additional resource agreed in Environmental protection. 	
	Coronavirus pandemic - Backlog of work which was impacted by restrictions.		<ul style="list-style-type: none"> Ensure there are sufficient skills and resources in place to deal with backlogs. Further national guidance received for winter 2022 on reprioritisation. 	
	Changing leisure market impacts on commercial partners ability to deliver Dibden Golf Course service.		<ul style="list-style-type: none"> Review the partnership agreement to ensure service is not at risk in the short term. 	
	Inability for the council to deliver on its key priorities as set out within its Safer New Forest strategic plan.		<ul style="list-style-type: none"> Combined resources of the Community Safety Partnership (CSP). Partners sharing responsibility and collaborative working continue to enable and ensure the delivery of actions on key priorities as set out within the annual strategic partnership plan. 	
	Transition to strategic leisure partnership, including embedding working arrangements and performance standards.		<ul style="list-style-type: none"> Dedicated contract manager, monthly partnership board meetings. 	
Environment and Coastal Services <i>Working to reduce the impact on our special environment and protecting communities by managing our changing coastlines</i>	Service disruptions in Waste and Recycling due to HGV shortages and an increase in sickness levels (including Covid).		<ul style="list-style-type: none"> Contingency plans in place to prioritise the collection of core service (clear and black sacks). 	
	Insufficient resources to provide frontline services to the same staffing levels.		<ul style="list-style-type: none"> Completion of business cases and recruiting to vacant posts. 	
	Insufficient resources and key skills within coastal team to respond to the impacts of storm damage on coastal defences.		<ul style="list-style-type: none"> Use existing working relationships with adjoining coastal partnerships and the Environment Agency to create additional capacity and specialist skills when needed. 	
	Fluctuations in market values of mixed recycling and Dry-Mixed Recycling.		<ul style="list-style-type: none"> Monitoring of tonnages and market values, to ensure that income forecasts are as accurate as possible. Regular revision of forecasts throughout year. 	
Business, Tourism and High Streets <i>Helping local businesses to grow and prosper</i>	COVID-19 impact on the local economy.		<ul style="list-style-type: none"> Deliver Government Covid Support Grants for businesses as and when available. In addition, the Economic Development team will continue to offer support and information for New Forest businesses and residents to ensure they have the tools they need to improve resilience and productivity. 	
	Insufficient labour supply and/appropriately skilled labour supply amongst the New Forest workforce to support the delivery of the Freeport and the wider growth agenda.		<ul style="list-style-type: none"> Work with partners and through the Freeport to provide a package of skills/upskilling and training to ensure supply of labour and ensure that residents can benefit from growth. 	
	Covid-19 has accelerated the decline of retail nationally with varying impact on the health of New Forest highstreets.		<ul style="list-style-type: none"> Annual monitoring of vacancy rates and footfall monitoring in place. Using planning system to promote mixed uses within town centres 	