

**EXPLANATORY MEMORANDUM TO**  
**THE TOWN AND COUNTRY PLANNING (REGIONS) (NEW FOREST NATIONAL**  
**PARK) (ENGLAND) ORDER 2007**

**2007 No. 3276**

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.
2. **Description**

The New Forest National Park currently falls within two regions, the South East and the South West. This Order directs that the New Forest National Park is treated as falling wholly within the South East region for the purposes of regional planning.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None
4. **Legislative Background**
  - 4.1 The New Forest National Park was designated on 1 March 2005<sup>1</sup> and the New Forest National Park Authority took up its full powers in April 2006. The Park spans both the South East and the South West regions. However, the majority of the Park is within the South East region (approximately 95%). A map is attached for information.
  - 4.2 Part 1 of the Planning and Compulsory Purchase Act 2004 introduced a new statutory framework for regional planning in England (Wales is dealt with separately in Part 6 of the 2004 Act). Under the new framework, each Regional Planning Body is responsible for the preparation of a Regional Spatial Strategy (RSS) which forms part of the development plan for that region. The purpose of an RSS is to set out specific regional or sub-regional policies relating to the development and use of land within the region. The regions for which an RSS must be prepared are those defined by the Regional Development Agencies Act 1998<sup>2</sup>.
  - 4.3 Section 12(2) of the Planning and Compulsory Purchase Act 2004 enables the Secretary of State by order to direct that if the area covered by a National Park falls within more than one region it is treated as falling wholly within one of them. This provision was introduced to allow consistency within National Parks so that the same policies could apply across the whole area contained within any particular National Park.

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<sup>1</sup> The New Forest National Park was designated by order of the Countryside Agency on 24<sup>th</sup> January 2002 under section 7 of, and Schedule 1 to, the National Parks and Access to the Countryside Act 1949 (c.97); that order was confirmed with modifications by the Minister under paragraph 2 of Schedule 1 to that Act on 1<sup>st</sup> March 2005 and took effect on that date.

<sup>2</sup> Section 12(1) of the Planning and Compulsory Purchase Act 2004 (c. 5) and Schedule 1 to the Regional Development Agencies Act 1998 (c.45).

- 4.4 When the Planning and Compulsory Purchase Act 2004 came in to force the only National Parks which spanned more than one region were the North York Moors National Park, the Yorkshire Dales National Park and the Peak District National Park. The Secretary of State directed by order under section 12(2) that each of these parks should be treated as falling wholly within one region each (see the Town and Country Planning (Regions)(National Parks)(England) Order 2004<sup>3</sup>).

## 5. **Territorial Extent and Application**

This instrument applies to England.

## 6. **European Convention on Human Rights**

As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. **Policy background**

- 7.1 Part 1 of the Planning and Compulsory Purchase Act 2004 strengthened the role and importance of regional planning by replacing Regional Planning Guidance with statutory RSSs.
- 7.2 RSSs set out the Secretary of State's policies for a region on the development and use of land. Regional Assemblies are recognised by the Secretary of State as being the Regional Planning Body in each region outside of London and as such have the responsibility to prepare and monitor the Regional Spatial Strategy. The objective of a Regional Spatial Strategy is to contribute to the achievement of sustainable development by providing a broad development strategy for the region, setting out the strategic policies and proposals, including infrastructure proposals and management policies, governing the future distribution of regionally or sub-regionally significant activities and development within the region.
- 7.3 This Order establishes the New Forest National Park as falling wholly within the South East region for the purposes of the preparation and monitoring of the RSS. In so doing it achieves three policy aims. Firstly, it ensures a consistency of approach for all National Parks crossing regional boundaries throughout England. Secondly, it allows policy for the New Forest National Park to be consistently applied within the National Park. Thirdly, it fulfils a commitment made by the Secretary of State in PPS11.
- 7.4 When the Government published Planning Policy Statement 11 (PPS11) in September 2004 this statement referred to the fact that the National Parks are all covered by a single RSS, even where they cross regional boundaries (paragraph 1.12). PPS11 also made it clear that when designated as a National Park the New Forest would be covered in full by the RSS for the South East (footnote 2 to paragraph 1.12)<sup>4</sup>.
- 7.5 The New Forest National Park Authority is responsible for local planning policies within the National Park. However, at the regional level the responsibilities are still split on a

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<sup>3</sup> S.I. 2004/2207.

<sup>4</sup> <http://www.communities.gov.uk/documents/planningandbuilding/pdf/147423>.

geographical basis. The Government made a commitment to bring the whole of the National Park within the South East for the purposes of regional planning in Planning Policy Statement 11. This Order fulfils that commitment.

- 7.6 The only local authorities potentially affected by the Order are the Wiltshire County and the Salisbury District in the South West region. Part of the Salisbury District's area which is also within the Wiltshire County, is covered by the New Forest National Park (maps of the New Forest National Park are attached to this memorandum for reference). However, local interests were addressed in establishing the boundaries and developing the New Forest National Park boundary and responsibilities as part of its designation in 2005, and when the National Park was designated it was expected that this Order would follow.
- 7.7 The Regional Planning Bodies for the South East and South West have an interest in the Order being made quickly to ensure that the commitment in PPS 11 is met and that the policy basis upon which their RSS's progress is underpinned by legislation. However, the main interest in this matter comes from the New Forest National Park Authority, which is keen to see the Order made to clarify the basis upon which policy can be made within the National Park for which, at the local level, they are responsible.
- 7.8 Consultation on the Order has not been undertaken and is not considered necessary on the basis that the intention to put the Order in place was made clear in the draft PPS11 which was consulted on before its publication. Paragraph 1.11 footnote 1 of the Draft Consultation Paper on the new PPS11 '*Regional Planning*' said that 'if designated as a National Park, the New Forest will be covered in full by the RSS for the South East'. Consultation on PPS11 was undertaken for a three month period from 17 October 2003 to 16 January 2004 with copies sent to all local authorities (including National Park Authorities), Regional Planning Bodies and the Council for National Parks. To our knowledge although 261 representations on the draft PPS were received overall, no representations were received on this issue. Further, we are not aware of any proposals made by any party before or since for the Park to be treated in any other way for the purposes of RSS. This is perhaps not surprising given that 95% of the New Forest National Park is in the South East region.

## **8. Impact**

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

Hamish McGillivray at the Department for Communities and Local Government (Tel: 020-7944-3954 or e-mail: hamish.mcgillivray@communities.gsi.gov.uk) can answer queries regarding this instrument.







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**District Boundaries NFNP**



**Ward boundaries**

**New Forest National Park boundary**

**SCALE: 1:200000**