

NEW FOREST NATIONAL PARK AUTHORITY

REPORT TO THE EXECUTIVE DIRECTOR STRATEGY & PLANNING AND CHAIR OF PLANNING DEVELOPMENT CONTROL COMMITTEE (PDCC)

DESIGNATING THE HYTHE & DIBDEN NEIGHBOURHOOD AREA AS IT RELATES TO THE AREA WITHIN THE NEW FOREST NATIONAL PARK

Report by: David Illsley, Policy Manager

1. INTRODUCTION

- 1.1 Neighbourhood Plans were introduced by the *Localism Act 2011* to give communities direct power to develop a shared vision for their neighbourhood and shape the development of their local area. Neighbourhood Plans are statutory documents that, once adopted, form part of the 'development plan' for the area. As the New Forest is a parished area, Neighbourhood Plans can be undertaken by parish or town councils if they chose to prepare one. The National Park Authority has a role in supporting communities in preparing a Neighbourhood Plan by giving advice and assistance to the town/parish council.
- 1.2 Neighbourhood planning is not a legal requirement, but a right which communities in England can chose to use. Under the relevant Neighbourhood Planning Regulations, in order to start the formal process of preparing a Neighbourhood Plan a town/parish council first makes an application to the local planning authority for the designation of the area that their Neighbourhood Plan will cover (Regulation 6).

2. AREA APPLICATION BY HYTHE & DIBDEN PARISH COUNCIL

- 2.1 In a letter dated 15 July 2015 (Appendix B), Hythe & Dibden Parish Council applied to New Forest District Council and the New Forest National Park Authority - as the Parish includes land within both the boundary of the District (circa 75% of the land area of the parish) and the National Park (25% of the land area of the parish) - for the area of their proposed Neighbourhood Plan to cover the whole of the parish. In accordance with the relevant Neighbourhood Planning Regulations, the letter was accompanied by a plan showing the area to be designated and included a statement explaining (i) why the area is considered to be appropriate; and (ii) confirming that the Parish Council were the relevant body to make such a request.
- 2.2 The Parish Council justified the proposed inclusion of the whole parish by explaining; *"The parish of Hythe and Dibden represents the full extent of Hythe and Dibden Parish Council's administrative area of responsibility to provide services. The parish supports 20,000 residents and the preparation of a Neighbourhood Plan will give the local community the opportunity to engage in locally based land use decision making."*
- 2.3 The National Park Authority and New Forest District Council ran a joint statutory consultation on the designation of the Neighbourhood Area for a period of six weeks, ending on Friday 18 September 2015. In accordance with Regulation 6, the National Park Authority and District Council publicised the request to designate the Neighbourhood Area on their respective webpages and a joint press release was issued at the start of the six-week consultation in August. In summary, the Authority fulfilled the requirements of Regulation 6 of the Neighbourhood Planning Regulations in publicising the application to designate the Neighbourhood Area.

3. CONSULTATION REPRESENTATIONS – MAIN POINTS RAISED

3.1 During the 6-week consultation, two objections to the proposed boundary were received from Southampton City Council and Associated British Ports (ABP) - see Appendices C and D. Set out below is a summary of the main points raised in these representations. A map illustrating ABP's landholdings, the Parish area and the District Council and National Park Authority boundaries is also included at Appendix E.

- Southampton City Council objects to the inclusion of the deep water navigation channel within the proposed Hythe & Dibden Neighbourhood Area.
- ABP consider it to be inappropriate for development control policies affecting Dibden Bay / the ABP land holding to be decided at Neighbourhood Plan level due to its 'strategic nature' and wider than local implications.
- ABP's landholdings should be excluded from the Neighbourhood Area because they are significantly different in character to the rest of the Parish.
- Concerns raised at the potential for different plans to pursue conflicting policies for a major strategic site that only partially falls within the Neighbourhood Plan Area.
- Concerns over the use of a Neighbourhood Plan to block development.

4. CONSIDERATION OF THE OBJECTIONS RECEIVED

4.1 The National Park Authority must consider the objections in deciding whether to designate the Hythe & Dibden Neighbourhood Area insofar as it relates to the National Park. It should be noted that having gone through the same process, New Forest District Council formally designated the Hythe & Dibden Neighbourhood Area as it relates to the District Council's planning administrative area on 13 November 2015.

4.2 By way of background, the Government continues to be a strong proponent of neighbourhood planning and has confirmed that Neighbourhood Plans can be developed before or at the same time as the local planning authority is producing its Local Plan (NPPG, para. 41-009). There is no issue therefore with work on the Hythe & Dibden Neighbourhood Plan commencing at the same time as the National Park Authority (and District Council) undertakes a review of its local planning policies.

Objection to the inclusion of the deep water navigation channel within the proposed Neighbourhood Area

4.3 Part of the deep water navigation channel for the Port of Southampton lies within the administrative area of Hythe and Dibden Parish. On 11 November 2015 the Parish Council confirmed in writing (see Appendix G) that they feel it is important to include the deep water channel as erosion of the foreshore and flooding are a key concern of the local community. These are reasonable matters for a Neighbourhood Plan to consider and in any event the land use planning system including neighbourhood planning applies to land up to the tidal low water mark.

It is inappropriate for development control policies affecting Dibden Bay/the ABP land holding to be decided at Neighbourhood Plan level due to its 'strategic nature' and wider than local implications

4.4 The Government's NPPG is clear that (i) a Neighbourhood Area can include land allocated in a local plan as a strategic site; and (ii) that where a proposed Neighbourhood Area includes such a site, those wishing to produce a Neighbourhood

Plan should discuss with the local planning authority the particular planning context and circumstances that may inform the local planning authority's decision on the Area it will designate (para. 41-036). As outlined below, ABP's landholdings in the New Forest are not 'allocated' for developed in the statutory development plan and in any event, if they were this would not preclude them being included in a Neighbourhood Area. Secondly, in accordance with the NPPG, Hythe & Dibden Parish Council have met with the National Park Authority and District Council to discuss the current development plan designations covering the area and the planning context for nationally significant infrastructure projects (including the separate consenting process) should ABP's strategic land holding be brought forward in the future for development.

- 4.5 ABP's representation refers to case law [R (Daws Hill Neighbourhood Forum) v Wycombe District Council] where the High Court upheld the decision to exclude two strategic sites from a proposed Neighbourhood Area. However, in this particular case the strategic sites either had a planning permission or an adopted Supplementary Planning Document for site development at the time of the decision.
- 4.6 In contrast, there is no current planning application for port development at Dibden Bay; any extant or lapsed consent for such use; and adopted development plan policies do not allocate the site for development. The Authority's *Core Strategy & Development Management Policies DPD* (2010), for example, states in para. 2.15: "...land at Dibden Bay, adjoining the New Forest National Park, is identified in the adopted New Forest District (outside the National Park) Core Strategy (2009) and the Port of Southampton Masterplan 2009-2030 as the only area of land physically capable of accommodating significant expansion of the port. Any future development proposals for Dibden Bay must have proper regard to the New Forest National Park, Government guidance on major development affecting National Parks and the requirements of the Habitats Regulations."
- 4.7 The adopted *Hampshire Minerals & Waste Plan* (2013) includes land north-west of Hythe (as identified in the Port of Southampton Master Plan) as one of several areas "safeguarded" for possible potential minerals and waste wharfs. Neither of these development plan references, nor those in the New Forest District Council Core Strategy, amounts to an allocation. A large part of Dibden Bay is subject to national and international nature conservation designations; it is a Site of Special Scientific Interest and, on the foreshore also a Special Protection Area and Ramsar site.

ABP's landholdings should be excluded from the Neighbourhood Area because they are significantly different in character to the rest of the Parish

- 4.8 ABP's representation (Appendix D) states that, "...the Dibden Bay Reclaim and surrounding land is clearly of distinct and very different character to the rest of the proposed Neighbourhood Plan Area..." and therefore it should be excluded. It is recognised that the parish of Hythe & Dibden covers a variety of character areas, including the built up area of Hythe, more rural areas that lie within the designated New Forest National Park, as well as the Dibden Bay area. The fact that one area of land has a different character to the remainder of a parish does not itself make it inappropriate to include the former in the designated Neighbourhood Area. Using this logic the National Park areas of the parish would potentially be separated from the majority of the parish that lie outside the Park due to their differing characters, but this is clearly not the wish of the Parish Council and not what they applied for.

- 4.9 Paragraph 41-033 of the NPPG identifies a number of factors that could be considerations when deciding the boundaries of a Neighbourhood Area, including (but not limited to) settlement boundaries; the catchment area for walking to local services; the physical appearance or characteristics of the neighbourhood; whether infrastructure features define a natural boundary; and the natural setting or features of an area. In the case of Hythe & Dibden, the parish boundary is a longstanding, historically recognised way of identifying both the local community and the administrative area. This contrasts with a Neighbourhood Forum for a non-parished area which has no accepted or pre-existing boundary and where the criteria in paragraph 41-033 of the NPPG may be useful when deciding whether the specified area represents a coherent 'neighbourhood'. The fact that ABP's landholdings exhibit a different character to other parts of Hythe & Dibden does not detract from their association with the wider parish, or make their inclusion inappropriate.

There is potential for different plans to pursue conflicting policies for a major strategic site that only partially falls within the Neighbourhood Plan Area

- 4.10 ABP's landholdings – illustrated in Appendix E – already straddle a number of different local planning authorities and their respective plans. This includes (i) New Forest District Council, who provide local plan coverage for the majority of the landholdings; (ii) the New Forest National Park Authority, who provide local plan and minerals & waste planning coverage for part of ABP's landholdings; and (iii) Hampshire County Council, who provide minerals & waste planning coverage for ABP's landholdings outside the National Park. It is therefore unclear why the Parish Council should be prevented from exercising their right to prepare a neighbourhood plan for the area.
- 4.11 Clearly any future Neighbourhood Plan prepared by the Parish Council would need to have regard to national policy and advice contained within guidance issued by the Secretary of State. Paragraph 184 of the NPPF states that the ambition of a neighbourhood, "...should be aligned with the strategic needs and priorities of the wider local area..." and that, "...Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan". The NPPG provides further information to help guide local communities on what the requirement to 'have regard to national policy' means in practice; what is meant by 'general conformity'; and what is meant by 'strategic policies' (paragraphs 41-068, 41-074 and 41-075).
- 4.12 There is no evidence to presume that a future Neighbourhood Plan for Hythe & Dibden would not be prepared in accordance with the NPPF, having full regard to the strategic potential of the Dibden Bay site. The Parish Council's letter of 11 November 2015 (Appendix G) confirms the Council's clear understanding that, "*The [Neighbourhood Planning] process includes a requirement to take into account relevant strategic plans of other authorities and agencies and this Council fully intends to follow those processes...It is not our intention to prepare a conflicting plan to that of the Local Plan...We recognise that a Neighbourhood Plan needs to sit within the context of a Local Plan...*" ABP and others will have the opportunity to respond to proposals in the emerging Neighbourhood Plan when it is consulted upon and independently examined.

Concerns over the use of a Neighbourhood Plan to 'block' development

- 4.13 The representations from Southampton City Council and ABP both imply a concern that the Parish Council would use the future Neighbourhood Plan to block development at Dibden Bay. These concerns focus on the content of a future Neighbourhood Plan, rather than the proposed geographical area to be covered by the Plan. The

Government is clear that, "...a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft plan...It should not make assumptions about the neighbourhood plan that will emerge from developing, testing and consulting on the draft neighbourhood plan or Order when designated a neighbourhood area." (NPPG, paragraph 41-035).

- 4.14 The objections from Southampton City Council and ABP are based on assumptions on what the Parish Council wishes to address through their proposed Neighbourhood Plan. On 21 September 2015 New Forest District Council and the National Park Authority jointly wrote to Hythe & Dibden Parish Council informing them of the objections and inviting them to respond (Appendix F). The Parish Council's response (Appendix G) highlights their understanding of the appropriate limits of Neighbourhood Plans in relation to strategic development and the need to work within the context of local plans. Given that the Parish Council itself has yet to finally decide exactly what issue(s) they will be addressing through the Neighbourhood Plan, the concerns raised by Southampton City Council and ABP during the consultation appear premature.

5. CONCLUSIONS AND RECOMMENDATION

- 5.1 The National Park Authority has, to date, formally designated four Neighbourhood Areas within the National Park. These have all been proposed by the relevant town or parish councils to cover the whole of their administrative areas and the proposed Hythe & Dibden Neighbourhood Area is the first proposal to attract objections. The National Park Authority is therefore required to consider the concerns raised in these representations in deciding whether the area specified by the Parish Council is an appropriate area to be designated as a Neighbourhood Area.
- 5.2 The preceding sections (and relevant appendices) of this report set out the range of objections raised by Southampton City Council and Associated British Ports to the proposed inclusion of the whole of the parish of Hythe & Dibden within the Neighbourhood Area. Having considered the points raised, it is recommended that the National Park Authority formally designates the whole of the area of the parish of Hythe & Dibden that lies in the National Park within the Neighbourhood Area. This is considered appropriate and justified for the following main reasons.
- The Government's National Planning Practice Guidance resource is clear that a Neighbourhood Area can include land allocated in a local plan as a 'strategic site'.
 - Hythe & Dibden covers a variety of character areas. The fact that one area of land has a different character to other parts of the Parish does not itself make it inappropriate to include the former in the designated Neighbourhood Area.
 - ABP's landholdings in the New Forest already cross a number of different planning authority jurisdictions and this is not considered to be a valid reason to prevent the Parish Council making use of the powers created by the Localism Act.
 - The Parish Council has clearly demonstrated their understanding of the planning context for the preparation of Neighbourhood Plans; their relationship with local plans; and the framework for nationally significant infrastructure projects.
 - The Government is clear that local planning authorities should not make assumptions about the Neighbourhood Plan that will emerge when designating a

Neighbourhood Area. The concerns raised regarding the blocking of development through the preparation of a Neighbourhood Plan are therefore premature.

- 5.3 The Government is clear that local planning authorities, "...should aim to designate the area applied for. However, a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so the local planning authority must give reasons..." (NPPG, paragraph 41-035). For the reasons outlined above, the area proposed by the Parish Council is considered to be justified. It should be noted that the Authority's decision only relates to the part of the Parish within the New Forest National Park. The rest of the Parish was formally designated as a Neighbourhood Area by New Forest District Council on 13 November 2015.
- 5.4 In accordance with the Authority's Scheme of Delegation (as extended at the March 2013 full Authority meeting, NFNPA 428/13 para 3.1.2.2), it is recommended that the Executive Director (Strategy & Planning) and the Chair of the Authority's Planning Development Control Committee accept the case made by the Parish Council and formally designate the boundary of the Hythe & Dibden Neighbourhood Plan Area as it relates to the area of the Parish within the New Forest National Park.

RECOMMENDATION:

The Executive Director (Strategy & Planning) and the Chair of the Authority's Planning Development Control Committee formally designate the Hythe & Dibden Neighbourhood Area as it relates to the area of the Parish within the New Forest National Park (illustrated in Appendix A).

Signature:



Steve Avery, Executive Director (Strategy & Planning)

Signature:



Pat Wyeth, Chair of PDCC

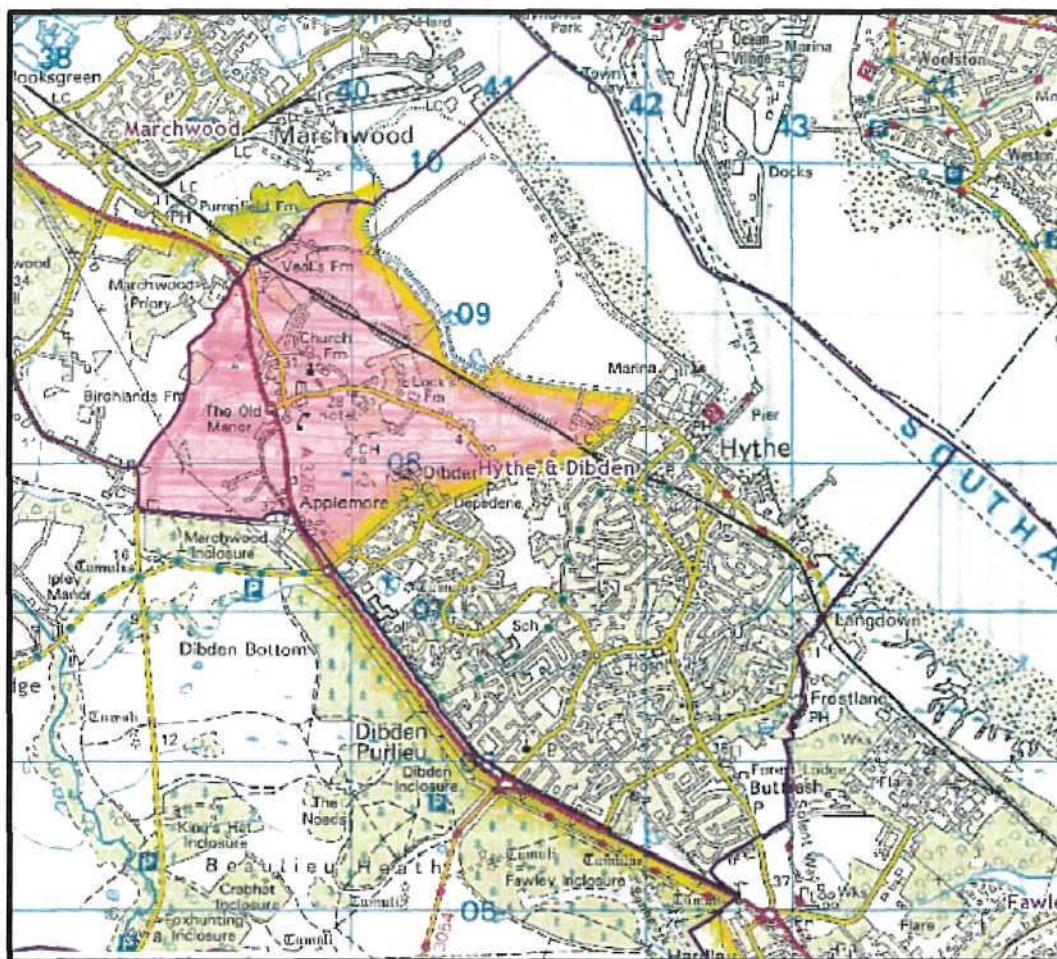
Contact:

David Illsley, Policy Manager

Tel: 01590 646672; Email: david.illsley@newforestnpa.gov.uk

Appendix A	Area of the Hythe & Dibden Neighbourhood Plan Area formally designated within the New Forest National Park (1 December 2015)
Appendix B	Neighbourhood Area application letter from Hythe & Dibden Parish Council (15 July 2015)
Appendix C	Representation from Southampton City Council (17 September 2015)
Appendix D	Representation from Associated British Ports (18 September 2015)
Appendix E	A map illustrating ABP's landholdings, the Parish area and the District Council and National Park Authority boundaries
Appendix F	Joint New Forest District Council and National Park Authority letter to Hythe & Dibden Parish Council regarding representations received (21 September 2015)
Appendix G	Hythe & Dibden Parish Council response to letter (11 November 2015)

Appendix A – Area of the Hythe & Dibden Neighbourhood Area formally designated within the New Forest National Park (1 December 2015)



KEY:

Parish Boundary:



New Forest National Park Boundary:



Hythe & Dibden Neighbourhood Plan Area designation:





HYTHE AND DIBDEN PARISH COUNCIL

The Grove, 25 St. John's Street, Hythe, Hampshire SO45 6BZ

Serving the communities of Dibden, Dibden Purlieu and Hythe

STEPHANIE BENNETT Clerk to the Council

Tel: (023) 8084 1411

Fax: (023) 8084 2181

email: stephanie.bennett@hytheanddibden.gov.uk

Mr C Elliott
Head of Planning & Transportation
New Forest District Council
Appletree Court
LYNDHURST
SO43 7PA

Mr S Avery
Director of Park Services
New Forest National Park
Lymington Town Hall
LYMINGTON
SO41 9ZG



15 July 2015

Dear Mr Elliott & Mr Avery

APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD AREA FOR HYTHE & DIBDEN

Hythe and Dibden Parish Council intends to prepare a Neighbourhood Plan. Please consider the information in this letter as our application for the designation of a Neighbourhood Area under the Neighbourhood Planning Regulations 2012.

1. Map showing plan area

Please find enclosed the map indicating the parish of Hythe and Dibden which is the area of the application. The majority of this area falls within New Forest District Council with a small area to the north-west falling within the New Forest National Park Authority.

2. A Statement explaining why the intended area is considered appropriate

The parish of Hythe and Dibden represents the full extent of Hythe and Dibden Parish Council's administrative area of responsibility to provide services. The parish supports 20,000 residents and the preparation of a Neighbourhood Plan will give the local community the opportunity to engage in locally based land use decision making.

3. Hythe and Dibden Parish Council is a qualifying body

I confirm that Hythe and Dibden Parish Council is a qualifying body under the Localism Act and a relevant body (section 61G of the 1990 Town and Country Planning Act, amended) for submitting this application.

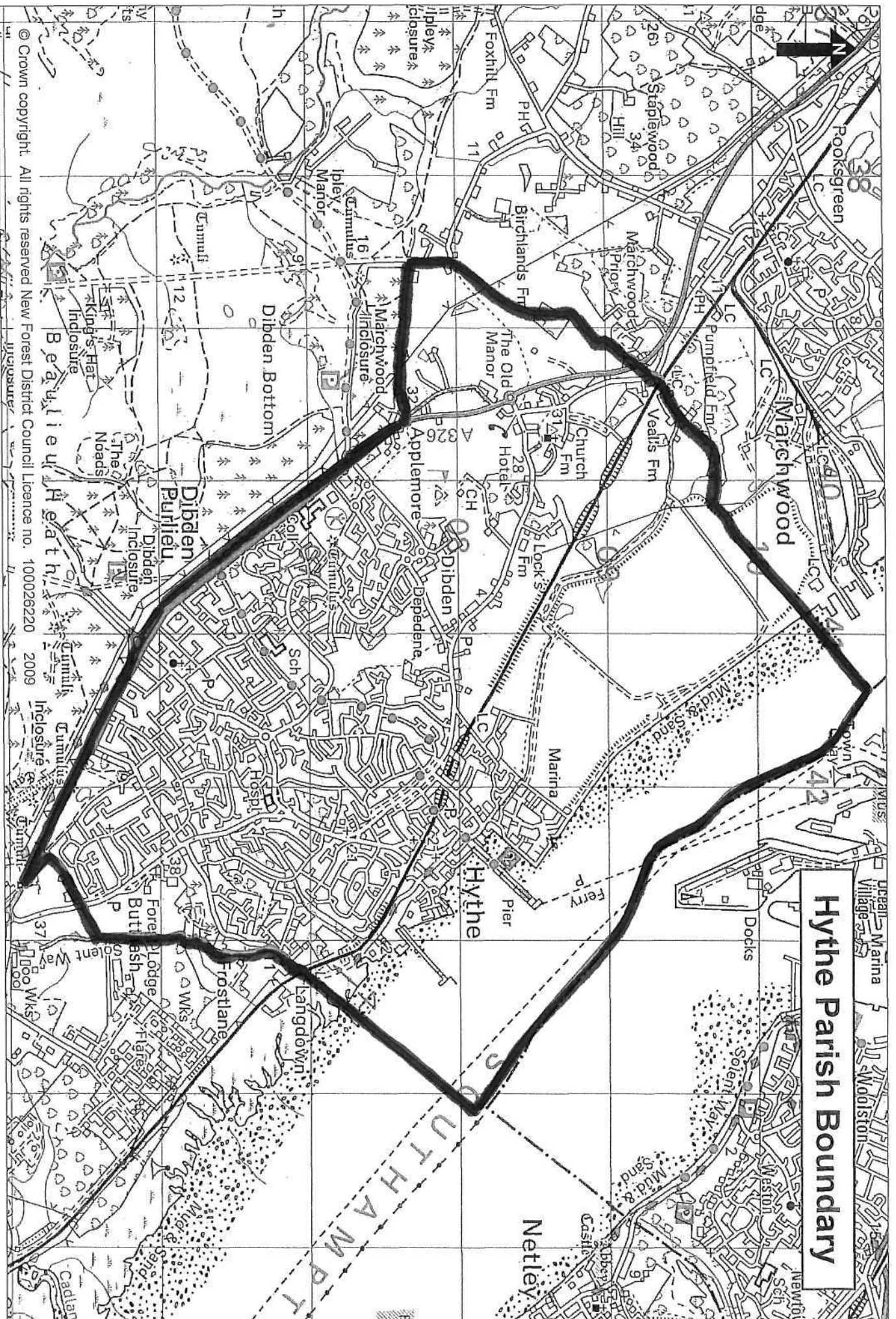
Yours sincerely

Stephanie Bennett
Clerk to the Council

Enc.



Hythe Parish Boundary



Mr C Elliott
Head of Planning and Transportation
New Forest District Council

Mr S Avery
Director of Park Services
New Forest National Park

Direct dial: 023 8083 4602
Please ask for: Mr G Tuck
Our ref:
Your ref:
Date: 17th September 2015

By email only

Application for designation of a neighbourhood area for Hythe and Dibden

Thank you for consulting us on the above application. I note that the intended area is based on the Hythe Parish boundary and therefore covers not only the built settlements of Hythe and Dibden, but the whole of the potential Port of Southampton expansion land at Dibden Bay and the deep water channel.

In this particular case the proposed use of the parish boundary for the neighbourhood plan area therefore raises major concerns.

The Port of Southampton is a major international port of critical importance to the national as well as the local economy. The Port is the largest in the U.K. for cruise passengers and vehicle imports / exports; and the second largest for containers. Government policy, particularly the National Policy Statement on Ports, supports appropriate port expansion to sustain national economic growth.

The Port of Southampton Masterplan indicates the need for port expansion at Dibden Bay in the longer term. Clearly this raises significant economic, environmental, social and infrastructure issues. The NPPF explains that neighbourhood plans should develop plans that support strategic development needs (para 16).

The Planning Advisory Service's website section on Neighbourhood Plans includes a 'Frequently Asked Questions' section, and question 4 is particularly pertinent in this case:

"4. Can neighbourhood plans be used to block development rather than promote it? No. Neighbourhood planning is about shaping the development of a local area in a positive manner. It is not a tool to stop new development proposals from happening and should reflect local and national policies. Neighbourhood plans and orders should not promote less development than set out in the local plan or undermine its strategic policies".

In this case there are strategic and national economic and environmental issues associated with Dibden Bay. The place to test these is through New Forest District Council's strategic Local Plan review and the national infrastructure planning process. A neighbourhood plan should not be used to frustrate or prejudice the outcome of these strategic plans or processes.

We acknowledge that the relationship between any port expansion and neighbouring communities is one of the wide range of planning issues which would need to be considered. A neighbourhood area could be designated which covered only the existing built up area of Hythe and Dibden. A neighbourhood plan could then be prepared for this area which could include

reference to how the relationship between any port expansion and residential areas is managed. However the principle of port expansion should be addressed elsewhere.

Therefore Southampton City Council objects to the inclusion of the Dibden Bay area and the deep water channel within the proposed neighbourhood area for Hythe and Dibden.

I hope that helps in your considerations and I am of course happy to discuss these issues further.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'G. Tuck', is written over a light blue rectangular background.

Graham Tuck
Planning Policy Group Leader
graham.tuck@southampton.gov.uk



Winckworth
Sherwood

BY RECORDED DELIVERY AND EMAIL

Policy and Plans Team
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

Solicitors and
Parliamentary Agents

Minerva House
5 Montague Close
London
SE1 9BB

DX: 156810 London Bridge 6

Switchboard 020 7593 5000
Direct Line 020 7593 5016
www.wslaw.co.uk



Our Ref: BG/10995/52

18 September 2015

Dear Sir

**Hythe and Dibden Parish Council - Proposed Neighbourhood Area Designation
Associated British Ports**

We write on behalf of our client Associated British Ports (ABP) with regard to the above.

We understand that the Hythe and Dibden Parish Council have (by letter dated 15 July) formally notified you as the relevant Local Planning Authority that it intends to promote a Neighbourhood Plan. It has, as a consequence, applied to your Authority under the provisions of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations 2012 for designation of a Neighbourhood Area.

As the relevant Planning Authority, you will be only too well aware that under Section 61G of the 1990 Act you are required to - "*have regard to the desirability of designating the whole of the area of a parish council as a neighbourhood area....*" (section 61G(4)(a)). In addition, by virtue of Section 61G(5)(c) you are also empowered to refuse an application for designation of a Neighbourhood Area if you consider - "*that the specified area is not an appropriate area to be designated as a Neighbourhood Area*".

The purpose of writing to you on behalf of our client ABP, therefore, is to draw your attention formally to the fact that a large area of land owned by our client, Dibden Bay and surroundings, and which is held by our client as port operational expansion land for the Port of Southampton, falls within the prospective Neighbourhood Plan Area as now proposed by the Parish Council.

We should say at the outset that our client fully supports the concept of neighbourhood planning and should the Parish Council wish to take forward a Plan for an appropriate area, then in the light of the Parish Council's obvious interest as to ABP's future aspirations for Dibden Bay, our client would be more than happy to assist and liaise with the Parish Council during the neighbourhood plan promotion process. That said, however, we are strongly of the view that in light of its strategic character, it would be entirely inappropriate for ABP's Dibden landholding actually to be incorporated within the Hythe and Dibden Neighbourhood Plan Area.

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In so saying, we are fully conscious that Planning Practice Guidance (at paragraph 036) does indicate that a Neighbourhood Area can include land referred to in a local plan as a strategic site. It does, however, continue by stating that –

“Where a proposed Neighbourhood Area includes such a site, those wishing to produce a Neighbourhood Plan or Order should discuss with the Local Planning Authority the particular planning context and circumstances that may inform the Local Planning Authority’s decision on the area it will designate.”

We would also draw your attention to the provisions of the National Planning Policy Framework. This, at paragraph 183, confirms that neighbourhood planning gives communities direct power to:-

“set planning policies through neighbourhood plans to determine decisions on planning applications” -

It continues, however, at paragraph 184 by stating that:-

“The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan..... Neighbourhood Plans and Orders should not promote less development than set out in the Local Plan or undermine its strategic policies.”

One of the principal objectives of neighbourhood planning is to enable the “*relevant body*”, in this instance the Parish Council, to exercise direct “local” planning powers over its area. If, as appears to be the case, the Parish Council wish to include our client’s Dibden landholding within their Neighbourhood Plan Area, then it must follow that the Parish Council have aspirations to promote some form of planning control over that part of ABP’s Dibden landholding that falls within the Council’s parish boundary.

In the light of the strategic nature of ABP’s Dibden landholding, however, any development of that site will have wider connotations for the locality – indeed region - than for just the Hythe and Dibden parish community. On that basis, development control over Dibden Bay exercised at Neighbourhood Plan level, would we suggest, be entirely inappropriate.

We assume it is accepted by both your Authority and the Parish Council that Dibden Bay must be viewed as a strategic site – certainly this fact has been accepted by your Authority through the last Local Plan review. On that basis, it must also be accepted that the inclusion of ABP’s Dibden landholding within the Neighbourhood Area and as a consequence any subsequent Neighbourhood Plan, cannot be an appropriate means by which to address the strategic planning issues arising in relation to that site.

The future development of ABP’s Dibden landholding will of course be an issue for consideration as part of the emerging Local Plan process. We would suggest that the inclusion of ABP’s Dibden landholding within the Neighbourhood Plan has the potential to raise the confusing prospect of two Councils promoting conflicting policies in relation to development proposals for a major strategic site that only partially falls within the Neighbourhood Plan Area.

Indeed, as not all of ABP’s Dibden landholding actually falls within the Parish of Hythe and Dibden, as detailed by the attached draft plan, when the site is brought forward for development by ABP, the Parish Council will find itself in the rather unenviable position of having to promote and defend policies in relation to only part of the area. This, of course, runs entirely contrary to Government policy in terms of consistency and certainty and, of itself, emphasises why Dibden Bay and surroundings should be treated as being very different to the rest of the proposed Neighbourhood Plan Area.

Turning to the site itself, the character of the area must be a relevant consideration when considering whether it should be included within the Neighbourhood Plan Area. Indeed, this aspect was considered in the case of ***R.(Daws Hill Neighbourhood Forum) -v- Wycombe District Council [2014] 1WLR1362***. The Dibden Bay Reclaim and surrounding land is clearly of a distinct and very different character to the rest of the proposed Neighbourhood Plan Area. The reclaim is port operational land, created and held by ABP for the Port of Southampton as strategic expansion land. You are fully aware of the status of Dibden Bay as provided in your Authority's own Core Strategy and indeed the similar recognition given to the site by Southampton City Council in their Core Strategy.

In closing, we should emphasise again that this letter is not intended to be taken in any way as being hostile to the Parish Council's aspirations for the designation of a Neighbourhood Plan Area. Our client is very conscious that its Dibden landholding and its future will play a large part in the life of the Hythe and Dibden community. Indeed, our client would welcome the opportunity to meet with the Parish Council to discuss its aspirations for the Dibden Bay site at an appropriate time, and indeed would be happy to assist the Parish Council, should such assistance be required, in the formulation of policies that may impact, albeit peripherally, upon the future development of the Dibden landholding.

That said, however, we must repeat that we consider it entirely inappropriate for ABP's Dibden landholding to be included within the Neighbourhood Plan Area and would ask that your Authority so determine.

Should your Authority or the Parish Council wish to discuss any of the foregoing, we would be happy to do so.

We look forward to hearing from you as soon as may be convenient.

Yours faithfully

A handwritten signature in blue ink that reads "Winckworth Sherwood LLP". The signature is written in a cursive, flowing style.

Winckworth Sherwood LLP

DT 020 7593 5016

DF 020 7593 5099

bgreenwood@wslaw.co.uk

cc. Mr Chris Elliott, Head of Planning and Transportation, by email only

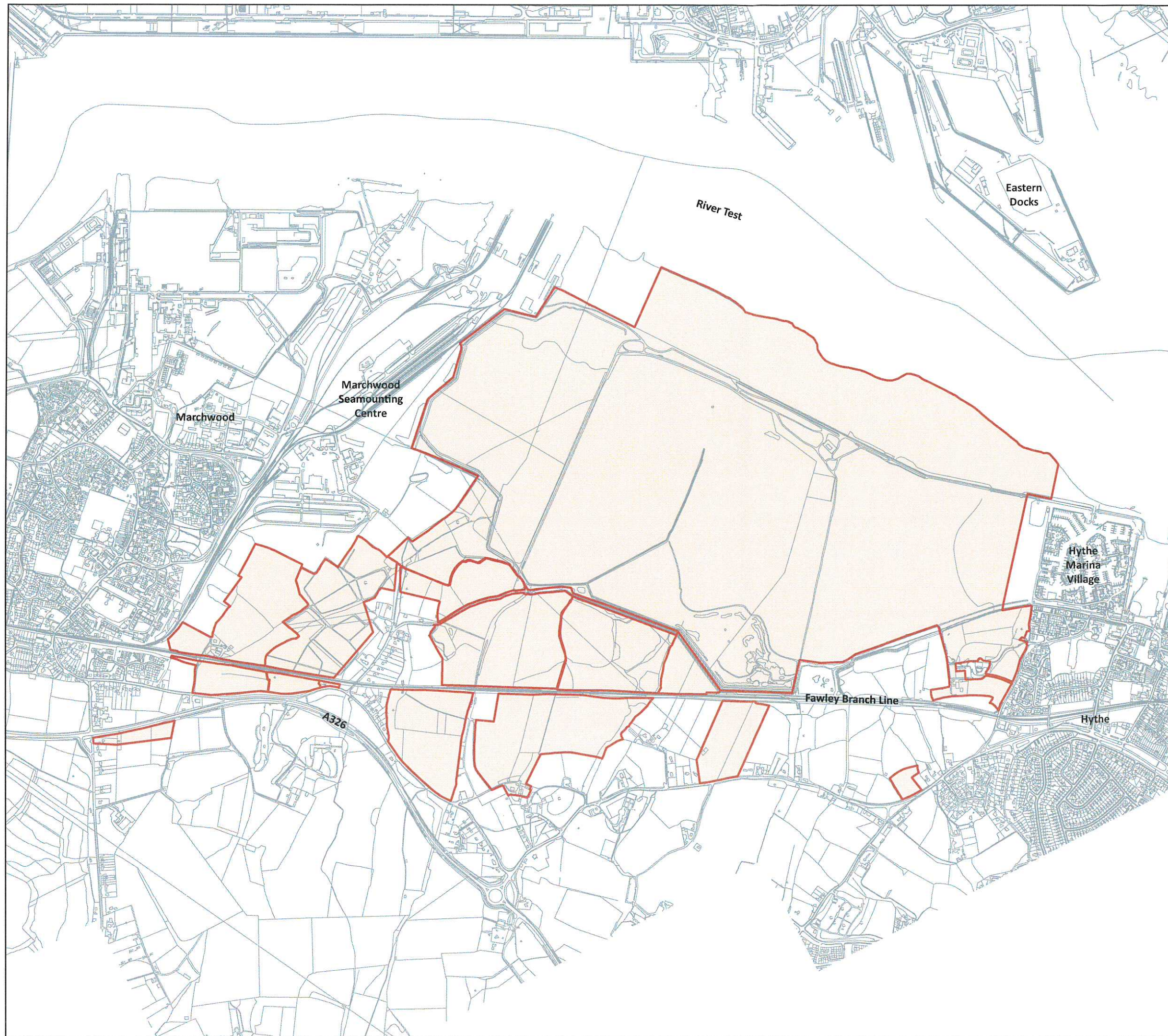


Figure 1 : **ABP landholding**

Land Owned by ABP

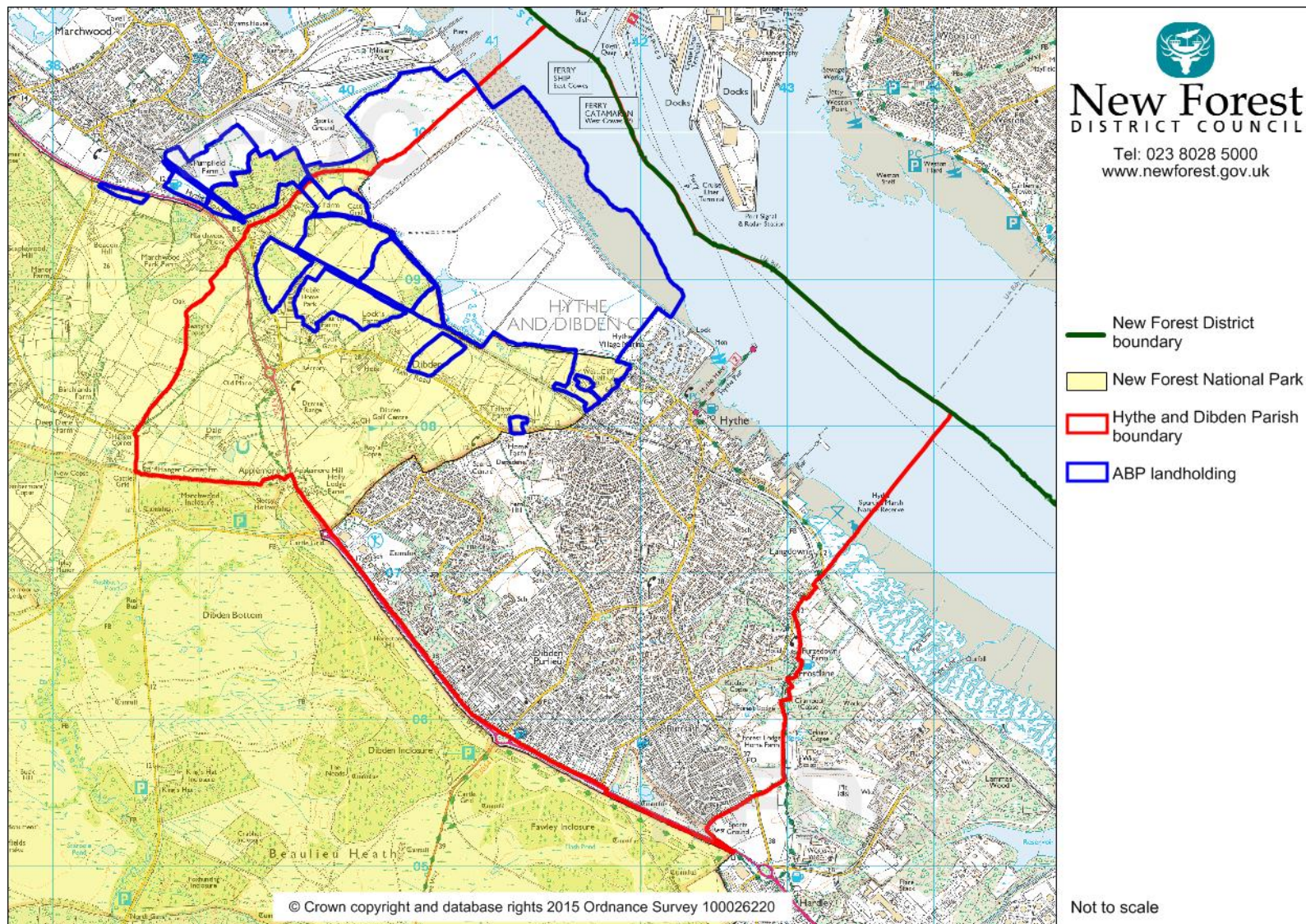
DRAFT



Scale 1: 15 000 @ A3

Based upon the Ordnance Survey Scale map with the permission of The Controller of Her Majesty's Stationery Office © Crown Copyright
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Appendix D: Map of indicative ABP landholdings at Dibden Bay



Planning and Transportation

Head of Service: Chris Elliott

Hythe & Dibden Parish Council
The Grove
25 St. John's Street
Hythe
Hampshire
SO45 6BZ

My Ref: AH/HytheDibdenNP

Your Ref:

Date: 21 September 2015

Dear Sir/Madam

HYTHE & DIBDEN NEIGHBOURHOOD AREA BOUNDARY CONSULTATION

I am writing jointly on behalf of New Forest District Council and the National Park Authority in connection to objections received to the proposed Hythe and Dibden Bay Neighbourhood Area. Associated British Ports has objected to the inclusion of its Dibden landholding within the Neighbourhood Area designation. Southampton City Council has also objected to inclusion of the Dibden Bay area and part of the deep water navigation channel.

Both objections are attached for consideration.

Before this Council and the National Park Authority make a decision about the appropriate Neighbourhood Area boundary we would like to provide an opportunity for the Parish Council to explain why it considers it appropriate to include Dibden Bay in the Neighbourhood Area designation. In particular, if it is the Parish Council's view that the Neighbourhood Area should include the ABP land holdings and/or the deep water navigation channel, please outline the types of issues you would envisage that the Neighbourhood Plan may seek to address in these areas.

I look forward to hearing from you by 23 October 2015.

Yours faithfully



Andrew Herring
Planning Policy Officer
Planning & Transportation
Tel No: 023 8028 5588
email: andrew.herring@nfdc.gov.uk

Attached: Responses by ABP and Southampton CC to the Neighbourhood Area consultation (Sept 2015)



Disability Helpline
023 8028 5000

newforest.gov.uk

Appletree Court, Beaulieu Road, LYNDHURST, SO43 7PA



HYTHE AND DIBDEN PARISH COUNCIL

The Grove, 25 St. John's Street, Hythe, Hampshire SO45 6BZ

Serving the communities of Dibden, Dibden Purlieu and Hythe

STEPHANIE BENNETT - Clerk to the Council

Tel: (023) 8084 1411

email: stephanie.bennett@hytheanddibden.gov

Mr Mark Williams
Principal Policy Planner
Planning Policy
New Forest District Council
Appletree Court
LYNDHURST
SO43 7PA

P4/3/CH/BE

11 November 2015

Dear Mr Williams

Thank you for your letter dated 21 September, 2015 informing the Parish Council of the objections made by Associated British Ports and Southampton City Council.

Further to our meeting on 10 November 2015 to discuss these matters, I have now had an opportunity to discuss this with the Chairman of our Planning Committee. We believe that the proposed boundary of the Neighbourhood Area boundary should remain as submitted and contain the land known as Dibden Bay owned by Associated British Ports and the deep water channel.

Neighbourhood Planning is based on a process of openness and transparency to enable a community an influence on what happens in its own Neighbourhood. The process includes a requirement to take into account relevant strategic plans of other authorities and agencies and this Council fully intends to follow those processes.

We also appreciate that a major port proposal would likely be a national infrastructure project, and that such projects have their own consent process. Whilst not our intention, we formally acknowledge that it is not the appropriate role of a Neighbourhood Plan to either promote or obstruct a nationally significant infrastructure project.

Having said that, there is no impliance within the Neighbourhood Planning Process that a single landowner can require a Neighbourhood Planning process to remove a definitive piece of land and we do not believe that this is an intention within the processes. This community wishes to engage in the offer from Government to develop their own vision for this area, in consultation with all partners, and use these strong tools to influence what is developed and delivered in this Neighbourhood.

It is entirely reasonable and appropriate for our Neighbourhood Plan to consider matters that may affect the local community and identify how local concerns should be taken into account or addressed where there would be significant implications for the Parish and local communities.

We would consider it a negative step not to include land held by ABP as that removes the considerations for the surrounding infrastructure and community development if such a development was found to be acceptable through the appropriate decision-making process.

We welcome the offer of help from all bodies during the process of Neighbourhood Plan preparation and believe that all parties will gain valuable insight into the views and identified strategic needs of this Neighbourhood that will assist it in delivering its long term vision and the strategic aims of our bordering authorities.

Regarding the deep water channel we feel that it is important to include this as erosion of the foreshore and flooding is a key concern of this community and will be raised during any planning consultation. The research and provision of data in relation to 'wash' and 'scouring' will be a requirement of the community.

This Parish has recently completed the delivery of an action plan for a ten year vision. We find ourselves in the position of needing to review our plan and consultation is statistically likely to raise both land use and service needs of the community. It therefore suggests that the two processes should be combined at a consultation phase with the land use and infrastructure elements then extracted to feed into the Neighbourhood Planning process.

It is not our intention to deliver a conflicting plan to that of the Local Plan and we feel that this statement by ABP shows a disregard for the professionalism of this Council. We recognise that a Neighbourhood Plan needs to sit within the context of a Local Plan to deliver a 'localism' that is constructed by the Neighbourhood. This Council believes it has a positive and fruitful working relationship with both the National Park Authority and New Forest District Council and we look forward to working with them on this Neighbourhood Plan that includes all the area within the Parish boundary.

Yours sincerely



Chris Harrison
Chairman – Hythe and Dibden Parish Council