

NFNPA/PC 282/19

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 15 JANUARY 2019

**REVISED DRAFT HYTHE AND DIBDEN NEIGHBOURHOOD PLAN
NFNPA CONSULTATION RESPONSE**

Report by: David Illsley, Policy Manager

Summary:

At the July 2018 Planning Committee meeting a report was presented on the draft Hythe & Dibden Neighbourhood Plan and the Authority's consultation response was agreed. This previous report commended the work that had gone into the preparation of the draft Neighbourhood Plan, but also raised concerns regarding a number of the proposals in the draft Plan due to conflicts with national policy aimed at protecting the New Forest National Park.

The Parish Council has subsequently considered the responses they received and have now prepared a revised draft Neighbourhood Plan. The revised draft Plan was published for an 8-week period of consultation in December 2018 and this report sets out the Authority's proposed consultation response. The majority of the concerns raised by the Authority last Summer – which focused primarily on the proposed greenfield land allocations in the National Park – have been addressed and this is welcomed. This report sets out a limited number of areas where further changes are recommended and the proposed response aims to assist the Parish Council in preparing for the future submission and examination of the Neighbourhood Plan.

Recommendation:

Members endorse the proposed responses highlighted in this report for submission to Hythe & Dibden Parish Council and delegate to officers to continue to liaise with the Parish Council prior to the submission of the revised Neighbourhood Plan.

1. Introduction

- 1.1 Neighbourhood Plans were introduced by the *Localism Act 2011* to give communities direct power to shape the development of their local area. Neighbourhood Plans are planning documents that, once adopted, form part of the statutory 'development plan'. As the New Forest is a parished area, Neighbourhood Plans can be prepared by parish or town councils if they chose to do so. In July 2015 Hythe & Dibden Parish Council applied to the National Park Authority and New Forest District Council for the whole of the parish to be designated as a 'Neighbourhood Area'. This designation was confirmed in December 2015 and represented the first stage in the neighbourhood planning process.
- 1.2 Work on the emerging Hythe & Dibden Neighbourhood Plan has been overseen by a steering group of parish councillors and community representatives. The Parish Council undertook an initial public consultation in 2016 to inform the preparation of the Plan. In Summer 2018 the Parish Council published their [draft Neighbourhood Plan](#) and this was considered at the Authority's July 2018 Planning Committee meeting (report NFNPA PC

270/18). This latest report does not repeat the background information contained with the Planning Committee report considered in July 2018.

2. Previous consultation comments submitted by the National Park Authority

2.1 At the July 2018 Planning Committee meeting, members endorsed the Authority's consultation response to the draft Neighbourhood Plan. In summary this response:

- Raised concerns that the draft Neighbourhood Plan had not demonstrated how the protection afforded to National Parks in national policy had informed the Plan. It was therefore concluded that the basic condition test to have regard to national policy had not been demonstrably fulfilled based on the information available.
- Linked to this, the response encouraged the Parish Council to prepare a 'Basic Conditions Statement' setting out the national policy and advice considered in preparing the Neighbourhood Plan. This should include a statement illustrating how the National Park purposes influenced the preparation of the Neighbourhood Plan.
- Did not support the proposed greenfield housing allocations in the National Park or the Park & Ride site. Consequently, the Authority did not consider the basic condition test requiring the Neighbourhood Plan to be in general conformity with the strategic objectives and policies in the development plan for the National Park had been met.
- Encouraged the Parish Council to publish a proportionate evidence base alongside the draft Plan to support the proposed policy approaches and allocations.
- Commended the approach taken in the draft Neighbourhood Plan to the proposed creation of a buffer zone around the operational port land at Dibden Bay, whose primary function would be to act as multi-functional green infrastructure.

2.2 New Forest District Council also submitted comments on the draft Neighbourhood Plan in August 2018. In this response the District Council noted several significant technical issues that the Parish Council needed to address before submitting their plan to the local planning authorities. The Parish Council were advised to complete and publish the evidence base used to support the policies of the Neighbourhood Plan prior to public consultation on a pre-Submission Neighbourhood Plan.

3. The revised draft Hythe & Dibden Neighbourhood Plan (December 2018)

3.1 Since the previous public consultation closed, the Parish Council has considered the responses received and met with officers from the National Park Authority and New Forest District Council to discuss revisions to the draft Plan. The [revised draft Neighbourhood Plan](#) was published in December 2018 for an 8-week period of public consultation and set out below is a summary of the main amendments that have been made following the public consultation last year.

3.2 The following section also sets out the Authority's proposed responses which are framed around the 'basic conditions' that the Neighbourhood Plan must meet to be put to a referendum and be made. The basic conditions are set out in Schedule 4B to the Town & Country Planning Act 1990 and include testing whether the Neighbourhood Plan:

- Is in general conformity with the strategic policies contained in the development plan.
- Has regard to national policies and advice.
- Contributes to the achievement of sustainable development.

(i) *The removal of the proposed greenfield allocations in the National Park*

- 3.3 The most significant objections raised to the previous version of the Neighbourhood Plan related to the proposed greenfield allocations in the National Park for housing (2 hectares of land), cemetery use, open space and transport infrastructure (including a potential link road and a 160-space Park & Ride site with a new platform rail access). As with our own draft Local Plan, for such proposals to be made within a nationally protected landscape they should be accompanied by published assessments covering the criteria used to appraise the potential allocations; and detailed evidence studies on matters including flood risk, viability, sustainability and potential impacts on protected habitats.
- 3.4 In the absence of these assessments to justify the proposals, the Parish Council has now deleted the proposed land allocations in the National Park from the 'Objectives and Policies' section of the Neighbourhood Plan (Chapter 8). This decision is supported.
- 3.5 The removal of the proposed allocations in the National Park means the assessments usually required under: (i) European Directive 2001/42/EXC ('SEA Directive') and the Environmental Assessment of Plans & Programmes Regulations 2004 ('SEA Regulations'); and (ii) European Directive 92/43/EEC on the Conservation of Natural Habitats & Wild Flora ('Habitats Directive') and Conservation of Habitats & Species Regulations 2010 ('Habitat Regulations') are no longer required. This has been confirmed by the statutory bodies – Historic England, Natural England and the Environment Agency.
- 3.6 The removal of the proposed greenfield allocations from the 'Objectives and Policies' chapter of the Neighbourhood Plan results in general conformity with the statutory development plan for the National Park. It should also be noted that land within the National Park and adjacent to the settlement of Hythe was promoted for development through the Authority's own Local Plan review and therefore considered as part of the Local Plan Examination process. In November 2018 we received correspondence from our Local Plan Inspectors confirming that the only additional housing site they have asked us to reconsider for allocation within the National Park is at Ashurst Hospital. Although the full Inspectors' Report is awaited, this initial response indicates they will not be supporting development on greenfield land to west of Hythe in the Local Plan Review.
- 3.7 The proposed response below welcomes the removal of the land allocations within the National Park from Chapter 8 'Objectives and Policies' and recommends the removal of reference to them from Chapter 10 'Community aspirations not included'. This chapter of the draft Neighbourhood Plan states that, "...this section of the Plan will be reviewed and updated in the light of consultation outcomes..." and the chapter should be amended prior to the Plan's submission to the two local planning authorities. To retain reference to the previously proposed land allocations in the National Park that have been removed from the main body of the Neighbourhood Plan because they were not supported by evidence is not considered appropriate for what will form part of the adopted development plan.

Basic Conditions Test: General conformity with the strategic development plan policies

The removal of the proposed greenfield land allocations within the National Park for housing, open space, significant new transport infrastructure and burial land from Chapter 8 of the Neighbourhood Plan is supported. The overall effect of this revision is that the revised draft Neighbourhood Plan is now considered to be in general conformity with the strategic development plan policies for the National Park.

Reference to the previous proposed allocations should also be removed from Chapter 10 'Community aspirations not included' to avoid confusion, as well as the risk of encouraging speculative planning applications. Chapter 10 states that the community aspirations not included are set out in Annex A (a non-statutory accompanying document), but this Annex is not available as part of the current consultation. This should be clarified prior to the formal submission of the Neighbourhood Plan.

Linked to this, the statement on page 74 that, "...the Parish Council will maintain contact with the Neighbourhood Planning Group with the intention of realising these community aspirations at the earliest practical time" does not appear to be supported by evidence or practical details of how this will be achieved. It is therefore recommended that this wording is also removed prior to the submission of the Neighbourhood Plan.

(ii) *The publication of supporting documents*

- 3.8 Both the National Park Authority and District Council have advised that the draft Neighbourhood Plan should be accompanied by proportionate evidence and supporting information. For example, the Parish Council are required to demonstrate how the draft Neighbourhood Plan meets the basic legal conditions for Plan-production and this is typically done through a 'Basic Conditions Statement'. In addition (and in accordance with guidance from Natural England and DEFRA), the Authority has advised that a statement should be prepared illustrating how the National Park purposes have influenced the preparation of the Plan and how the Parish Council's 'duty of regard' has been fulfilled.
- 3.9 Page 2 of the draft Neighbourhood Plan states the Plan should be read on conjunction with a range of supporting documents, including: (i) the draft Basic Conditions Statement; (ii) the draft Consultation Statement; (iii) the evidence base; and (iv) Annex A – community aspirations not included. The Neighbourhood Plan consultation webpage entitled '[Documentary Evidence](#)' provides copies of some of these documents (including a draft Basic Conditions Assessment) and this is supported in the proposed response.

Basic Conditions Test: Has regard to national policies and advice

In November 2018 Authority officers wrote to the Parish Council supporting their work in preparing a Basic Conditions Assessment, which includes a section on the national policies and advice pertinent to National Parks. Authority officers also provided advice on how the Basic Conditions Statement could be further strengthened in this regard.

Although there is no legal requirement to do so, the Authority supports the decision to publish the working draft version of the Basic Conditions Assessment alongside the draft Neighbourhood Plan in December 2018. This provides consultees with information on how the preparation of the Neighbourhood Plan has had regard to

relevant national policies and advice and puts the Parish Council in a good position for the formal submission of the Neighbourhood Plan. The draft Statement is considered appropriate in its scope and focus on the basic conditions. The coverage of the Parish Council's statutory duty to have regard to the two National Park purposes in Section 3 of the draft Basic Conditions Statement is also welcomed.

It is noted that a number of the other supporting documents referenced within the revised draft Neighbourhood Plan do not appear to have been published. Although this is not a legal requirement, the Parish Council will be aware that supporting documents such as the Consultation Statement must be submitted alongside the draft Plan to the two local planning authorities and prior to the final Regulation 16 consultation.

(iii) *Revisions to the layout, supporting text and proposed policies*

- 3.10 The revised draft Neighbourhood Plan now includes supporting text alongside the aims, objectives, policies and actions points. This is a useful addition and improves the readability of the draft Plan compared to the previous Summer 2018 version.
- 3.11 Both National Park Authority and District Council officers have advised that it is not the role of the two planning authorities to lead on the content of the proposed planning policies within the draft Neighbourhood Plan. Ultimately it will be for the independent Examiner to review the draft policies and the role of the planning authorities is to advise on the process and matters around the basic conditions (including general conformity).
- 3.12 Consequently the Authority has undertaken a high-level review of the proposed Plan policies, recognising the Government's objective for neighbourhood planning to allow local communities a degree of flexibility to shape the future of their areas. A number of the proposed Neighbourhood Plan policies – such as H1 restricting new dwellings to 100m² – are consistent with policies in the Authority's own emerging Local Plan. The current consultation running to the end of January 2019 will allow the local community and statutory consultees to submit their representations and issues around detailed policy wording will then be considered through the Examination process.
- 3.13 One of the main drivers behind the local community's desire to prepare a Neighbourhood Plan relates to the Dibden Bay area. Aim 9 of the draft Plan states, "*In the event of major port development on Dibden Bay reclaim, to create a multifunctional buffer zone to positively manage the interface with surrounding land*". Although the Neighbourhood Plan recognises it cannot include direct policy coverage for the Dibden Bay site itself (it is likely this would be considered through the Nationally Significant Infrastructure Project regime), it can provide coverage for the land adjacent to the site. The Authority and District Council have previously supported the Parish Council's general approach to this matter.
- 3.14 Aim 9 and the related text set out the proposed objectives of the buffer zone. Policy BZ2 states that the primary function of the buffer zone will be to act as multi-functional green infrastructure. The proposed response (below) continues to offer support for the Parish Council's proposed approach, while at the same time seeking further clarification over the objectives of the buffer zone which seem to conflict with each other in places.

Proposed Response – Dibden Bay Buffer Zone

The Authority commends the overall approach taken in the draft Neighbourhood Plan to the proposed creation of a buffer zone around the operational port land at Dibden

Bay whose primary function would be to act as multi-functional green infrastructure (Aim 9 and associated objectives, policies and action points).

The Authority suggests the Parish Council revisit the objectives for the proposed buffer zone (set out in objectives 9.1 – 9.7) prior to the submission of the Neighbourhood Plan. Although Policy BZ2 states that the primary function of the buffer zone will be multi-functional greenspace, the listed objectives include supporting economic growth (objective 9.4) and the Neighbourhood Plan could be clearer on the overall aims of the buffer zone policy approach. As currently drafted, there is a potential conflict between the aim of supporting economic growth and that of mitigating environmental impacts.

4. Conclusion and the next stages

- 4.1 In conclusion, the Authority welcomes the amendments made to the draft Plan since the previous version was published in Summer 2018. The removal of the proposed greenfield land allocations in the National Park for housing, transport infrastructure and other development results in the Neighbourhood Plan being in general conformity with the strategic development plan policies. The preparation of the draft Basic Conditions Assessment is supported and allows the Parish Council to demonstrate how they have had regard to national policy and the statutory National Park purposes. The Authority's proposed responses also highlight a limited number of areas where further amendments or work is recommended prior to the submission of the Neighbourhood Plan later in 2019.
- 4.2 Following this pre-submission consultation (Regulation 14 stage) which runs until the end of January 2019, the Parish Council will consider the responses received and decide whether to make any further amendments to the draft Neighbourhood Plan. Once this has been done, the draft Neighbourhood Plan will be submitted to the National Park Authority and New Forest District Council and must be accompanied by the following documents:
- A map showing the area to which the Neighbourhood Plan relates.
 - A Consultation Statement setting out who has been consulted, how, and a summary of the main points raised and how they have been taken into account.
 - A Basic Conditions Statement.
- 4.3 Following submission, the National Park Authority and New Forest District Council will arrange a final 6-week consultation on the submitted Plan (Regulation 16 stage). It will also be the responsibility of the two authorities to appoint an independent Examiner to assess the Neighbourhood Plan and consider the representations received. As has been the case since work on the Neighbourhood Plan commenced, the Authority and District Council will continue to work closely together to avoid unnecessary duplication.

RECOMMENDATION

Members endorse the proposed responses highlighted in this report for submission to Hythe & Dibden Parish Council and delegate to officers to continue to liaise with the Parish Council prior to the submission of the revised Neighbourhood Plan.

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Papers: **NFNPA/PC 282/19** – cover paper

Equality Impact Assessment: No impacts have been identified.