

NFNPA/PC 307/19

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 15 OCTOBER 2019

DRAFT NEW MILTON NEIGHBOURHOOD PLAN - NFNPA CONSULTATION RESPONSE

Report by: David Illsley, Policy Manager

Summary:

New Milton Town Council submitted their revised draft Neighbourhood Plan to the National Park Authority and New Forest District Council (as the parish straddles the National Park boundary) in August 2019. The Neighbourhood Plan has now been published for a final 6-week public consultation, closing on 21 October 2019. This represents the Regulation 16 stage in the relevant *Neighbourhood Planning Regulations*. As has been the case with other Neighbourhood Plans that have reached this advanced stage of preparation, the Authority's proposed consultation responses are being presented to Planning Committee for approval.

The draft New Milton Neighbourhood Plan seeks to shape the future of the parish and includes a focus on the regeneration of the town centre. The northern part of the parish of New Milton lies within the National Park and therefore it is important that the Authority submits representations on the draft Plan. The proposed responses set out in this report are broadly supportive of the draft Plan and do not question the compliance with the 'basic conditions' that all Neighbourhood Plans must meet to proceed to local referendum.

Recommendation:

Members endorse the proposed responses highlighted in this report on the draft New Milton Neighbourhood Plan for submission to the independent Examiner.

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 choose to do so. In December 2014 New Milton Town 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'. The north of the parish (including the settlement of Bashley) lies within the National Park. This designation was confirmed February 2015 and represented the first stage in the Plan-making process.
- 1.2 Since the designation of the New Milton Neighbourhood Area in early 2015, the Town Council has liaised with statutory consultees and the local community in the development of their draft Plan. This process included public consultation on the pre-submission draft of the Neighbourhood Plan in Spring 2018. The [Submission draft Neighbourhood Plan](#) is accompanied by a Sustainability Appraisal, Habitats Regulations Assessment, Consultation Statement and Basic Conditions Statement. Officers from both the National Park Authority and New Forest District Council consider that the relevant information required by the *Neighbourhood Planning Regulations* has been appropriately submitted by the Town Council.

2. The Submission draft New Milton Neighbourhood Plan

- 2.1 New Milton Town Council has worked in partnership with local community organisations and the Neighbourhood Plan Working Group – made up of Town Councillors, local business people, residents and community leaders – to prepare the Submission draft Neighbourhood Plan. A key aspect of the New Milton Neighbourhood Plan is a focus on the town centre, with the aim being to support its role as the social and economic hub of the town and to deliver at least 250 new dwellings over the Plan-period to 2036.
- 2.2 The Submission draft Neighbourhood Plan contains a suite of 19 proposed planning policies. As the Plan has evolved two proposed housing site allocations in New Milton (at Brockhills and land south of Gore Road) have been removed from the draft Plan. The Submission draft Neighbourhood Plan includes site specific policies (such as NM3 - Land east of Caird Avenue; and NM5 - New Milton Town Centre Regeneration Area); as well as topic specific policies (such as NM4 – Design Quality; and NM15 – Employment). The policies of particular relevance to the National Park include:
- NM11 – *Mitigating Effects on European Sites*: The policy recognises the need for new residential development to mitigate impacts on internationally designated nature conservation sites, including the New Forest and Solent sites and the Submission draft Neighbourhood Plan is accompanied by a Habitats Regulations Assessment.
 - NM14 - *The Rural Areas on the National Park*: The draft policy confirms that development proposals in the part of the designated Neighbourhood Area that lies in the New Forest National Park will only be supported if they are consistent with the adopted development plan policies for that area.

3. Proposed NFNPA representations on the Submission draft Neighbourhood Plan

- 3.1 The draft New Milton Neighbourhood Plan has reached the Regulation 16¹ consultation stage, the final step before the draft Plan and supporting documents are considered by the independent Examiner. Any representations made at this Regulation 16 stage will be submitted to the Examiner in full for their consideration in winter 2019/20.
- 3.2 Authority officers have provided feedback to New Milton Town Council at previous stages in the Plan-making process; and the proposed responses set out in this report do not raise any major conformity issues with the draft Neighbourhood Plan.
- (i) *Strategic planning policy context*
- 3.3 The 'basic conditions' that all Neighbourhood Plans must meet are set out in paragraph 8(2) of Schedule 4B to the *Town and Country Planning Act 1990*. The conditions include ensuring that the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area. Section 3 of the draft New Milton Neighbourhood Plan responds to this requirement by setting out the 'Planning Policy Context' for the preparation of the Neighbourhood Plan.
- 3.4 There are a number of sections in Section 3 of the draft Neighbourhood Plan that require amending to reflect the most up-to-date strategic 'development plan' policies covering the National Park. This is set out below under the basic condition test of 'general conformity with the strategic policies for the National Park.

¹ Of the *Neighbourhood Planning (General) Regulations 2012*, as amended

NFNPA proposed response – conformity with strategic policies for the National Park

The New Milton Neighbourhood Plan should be in general conformity with the strategic policies contained within the development plan for the National Park.

The Authority acknowledges that the Submission draft New Milton Neighbourhood Plan was prepared prior to the formal adoption of the New Forest National Park Local Plan 2016 – 2036 in August 2019. However, as the new Local Plan now forms a key part of the statutory ‘development plan’ for the area of New Milton within the National Park, it is important that the Neighbourhood Plan correctly refers to it.

We would therefore advise that the following parts of Section 3 ‘Planning Policy Context’ in the draft Neighbourhood Plan should be amended:

- Paragraph 3.7: It is suggested that the sub-heading above this paragraph should be amended to ‘New Forest **District** Local Plan 2016 – 2036’ to avoid confusion with the separate New Forest National Park Local Plan 2016 - 2036.
- Paragraphs 3.9 – 3.10: These paragraphs summarise the relevant policies in the New Forest National Park Core Strategy (2010). Given that this document ceased to form part of the development plan for the National Park from 29 August 2019, we would advise that these paragraphs should be deleted.
- Paragraphs 3.11 – 3.13: It is recognised that the current wording in the Submission draft Neighbourhood Plan regarding the Authority’s Local Plan Review was prepared prior to the adoption of the new Local Plan on 29 August 2019. However, now the new Local Plan has been formally adopted paragraphs 3.11 – 3.13 of the draft Neighbourhood Plan should be updated accordingly.

(ii) *Draft Policy NM14: The Rural Areas in the National Park*

- 3.5 Around a third of the designated New Milton Neighbourhood Area lies within the National Park. This is recognised within the Vision of the draft Neighbourhood Plan, which seeks to maintain the special landscape character of the National Park.
- 3.6 The Basic Conditions Statement that accompanies the draft Neighbourhood Plan confirms the Plan has deliberately avoided containing policies that duplicate existing development plan or national policies. With regard to draft Policy NM14 on the rural areas in the National Park, the Basic Conditions Statement concludes, “*Although the Town Council recognises that the policy does not materially differ from the adopted and emerging development plan, it considers that its absence is conspicuous, and as it is such an important asset for New Milton the local community will expect a policy on the area. It is therefore not considered ‘unnecessary duplication’.*” The Town Council’s position is understood and supported in the Authority’s proposed response.

NFNPA proposed response – Policy NM14 (The rural areas in the National Park)

The Authority endorses the decision to include a policy specifically on the National Park within the Neighbourhood Plan. Around a third of the parish of New Milton is located within the National Park and the Authority concurs with the Basic Conditions Statement that a National Park-specific policy would be conspicuous by its absence.

The inclusion of draft Policy NM14 in the Neighbourhood Plan also reflects the Town Council’s legal ‘duty of regard’ towards the two statutory National Park purposes under Section 62(2) of the Environment Act 1995. The Authority therefore supports the inclusion of Policy NM14 and does not consider there to be an issue of duplication with the existing development plan policies for the National Park.

It is noted that the second paragraph of Policy NM14 focuses on rural exception housing schemes within the National Park and this is expanded on in paragraph 6.82. Subject to the wording in paragraph 6.82 being revised to refer to Policy SP28 in the new Local Plan for the National Park, the Authority has no objection to this. However, the effect of this wording in the policy and the supporting text is to highlight the single issue of affordable housing delivery; while the adopted development plan policies for the area of New Milton Parish in the National Park cover a broader range of topics. Consideration could therefore be given to including a signpost within the Neighbourhood Plan (in either Policy NM14 or paragraph 6.82) to the range of relevant planning policies in the adopted development plan for the National Park.

(iii) *Monitoring and Policy Review (page 69)*

- 3.7 Paragraph 6.92 of the draft Neighbourhood Plan states that the Plan will be monitored by New Forest District Council and the New Forest National Park Authority, using data collected in the monitoring reports of the two local planning authorities. The National Park Authority will indeed monitor the impacts of ‘made’ Neighbourhood Plans through our Annual Monitoring Reports and it is suggested that New Milton Town Council may also find it valuable to monitor the progress of their Neighbourhood Plan.

NFNPA Proposed response – *Monitoring and Policy Review*

Guidance on Neighbourhood Planning confirms it is important to monitor the Neighbourhood Plan once it is made and the Town Council should put procedures in place to do this². It is therefore suggested that paragraph 6.92 in the draft Neighbourhood Plan could be supplemented by the inclusion of a commitment from New Milton Town Council to contribute to this monitoring alongside the two local planning authorities. This could potentially take the form of a Neighbourhood Plan Monitoring Group, such as that established in [Alton, East Hampshire](#).

(iv) *Glossary (pages 86 – 91)*

- 3.8 A Glossary is provided at the end of the draft Neighbourhood Plan. Given that the production and implementation of the Neighbourhood Plan seeks to engage local communities in planning (sometimes for the first time), this is supported. There are however several areas where the Glossary would be improved for the benefit of the reader and these are set out in the Authority’s proposed response below.

NFNPA Proposed Response – *Glossary*

The Authority supports the inclusion of a ‘Glossary’ within the Neighbourhood Plan. However, there are several references that could be revised for greater clarity:

² See *Neighbourhood Plans Roadmap: A Step-by-Step Guide*, Locality, 2018 – page 31

- References to the ‘*Department for Communities and Local Government*’ (DCLG) should be amended to the ‘*Ministry for Housing, Communities and Local Government*’ to reflect changes introduced by the Government in January 2018.
- The Glossary entry for ‘*Examination*’ should be updated, as currently the wording relates to ‘*the Core Strategy DPD*’ rather than the Neighbourhood Plan.
- The entry for ‘*Local Plan*’ currently states “*A development plan prepared by district and other local planning authorities*” and it is suggested that reference should also be made to plans being prepared by National Park Authorities.
- ‘*NFNPA – New Forest National Park Authority*’ should be added to the Glossary to reflect the Authority’s role as one of the two statutory planning authorities for the Neighbourhood Area.

4. Conclusion and the next stages

- 4.1 New Milton Town Council have produced a well-prepared Submission draft Plan that is accompanied by the necessary supporting documents. The decision to prepare a Neighbourhood Plan looking at the period to 2036 to align with the respective Local Plans for the National Park and New Forest District is supported.
- 4.2 This report recommends the Authority submits a number of representations on the draft Plan, some made necessary by the formal adoption of the Authority’s new Local Plan in August 2019. The conformity of the draft New Milton Neighbourhood Plan has already been assessed against the Authority’s new planning policies – as set out in the ‘Basic Conditions Statement’ that accompanied the submission. Policy NM14 in the draft Neighbourhood Plan is considered to be in general conformity with the strategic policies in the statutory ‘development plan’ for the National Park and therefore the recommended representations on this policy focus on clarifications to the text.
- 4.3 Once the consultation closes on 21 October 2019 all the representations received will be submitted to the independent Examiner. An examiner from Intelligent Plans & Examinations (IPE), who also undertook the recent examination of the Hythe & Dibden Neighbourhood Plan, has been appointed for the examination. This will take place over the winter of 2019/20 and the Examiner’s Report will then be considered at a full Authority meeting, most likely in the new year.

RECOMMENDATION

Members endorse the proposed responses highlighted in this report on the draft New Milton Neighbourhood Plan for submission to the independent Examiner.

Contact: David Illsley, Policy Manager
david.illsley@newforestnpa.gov.uk, 01590 646672

Papers: NFNPA/PC 307/19 – cover paper

Equality Impact Assessment: No impacts have been identified.