

**AM 592/20**

## **NEW FOREST NATIONAL PARK AUTHORITY**

### **AUTHORITY MEETING – 23 JANUARY 2020**

#### **NEW MILTON NEIGHBOURHOOD PLAN - EXAMINER'S REPORT**

**Report by:** David Illsley, Policy Manager

#### **Summary:**

Following the final period of consultation on the draft New Milton Neighbourhood Plan held in September – October 2019, the draft Plan, supporting information and representations received were subject to independent examination. The examination was undertaken by a suitably qualified person and on 19 December 2019 the final Examiner's Report was received. In this Report the Examiner concluded that subject to a series of policy modifications, the Plan meets the Basic Conditions and should proceed to referendum.

Under the relevant regulations, the full Authority must decide what action to take in response to the Examiner's Report and publish a 'Decision Statement'. This report therefore seeks approval of the 'Decision Statement' (Annex 1) and the subsequent amendments to the Neighbourhood Plan. New Forest District Council will be going through the same process in February 2020 for the part of the parish within their planning jurisdiction and once both authorities have agreed their responses the revised Plan will proceed to local referendum.

#### **Recommendation:**

**Members note the recommendations made in the Examiner's Report into the draft New Milton Neighbourhood Plan (December 2019); and endorse the 'Decision Statement' in Annex 1 to this report setting out the Authority's responses to the Examiner's Report.**

#### **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'. 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'. Around a third of the Parish lies within the National Park (focused on the area around Bashley and Ossemsley) and the designation was confirmed in February 2015 by the National Park Authority.
- 1.2 Work on the emerging New Milton Neighbourhood Plan has been overseen by a working group of town councillors, working alongside their appointed planning consultants. Following consultation on earlier iterations of the draft Neighbourhood Plan, the Plan was subject to a final 6-week public consultation between 9 September – 21 October 2019. During this public consultation, the Authority submitted a limited number of representations focusing on Policy NM14 (The rural areas of the National Park); amendments to reflect the status of the Authority's own adopted Local Plan; and proposed detailed wording changes. These representations were agreed at the October 2019 Planning Committee meeting (see report NFNPA/PC 307/19).

## 2. Independent Examination and the Examiner's Report

- 2.1 During the final 6-week public consultation held on the draft Plan, representations were received from 14 organisations and individuals. These included representations from the National Park Authority, Hampshire County Council, Natural England; the Environment Agency; Historic England and a consortium of retirement housebuilders.
- 2.2 All of the representations made during this final consultation and various supporting documents (including a Consultation Statement and a Basic Conditions Statement) were submitted to the independent Examiner<sup>1</sup> for their consideration. The examination was dealt with by written representations and the Examiner undertook a site visit in November 2019. The Examiner is required to assess whether the Plan meets the Basic Conditions and legal tests and is then required to produce a Report recommending:
- (a) the Neighbourhood Plan proceeds to a referendum without modifications; or
  - (b) that modifications are made and that the modified Neighbourhood Plan then proceeds to referendum; or
  - (c) that the Neighbourhood Plan does not proceed to a referendum as it does not meet the necessary legal requirements.
- 2.3 The *Examiner's Report on the New Milton Neighbourhood Development Plan 2016 - 2036* (December 2019) can be viewed [here](#). The main findings are set out in the 'Executive Summary' on page 4, with the key recommendation being that subject to the policy modifications set out in the Examiner's Report, the Plan meets the Basic Conditions and can proceed to Referendum as it meets the relevant legal requirements. This is a positive recommendation and reflects the hard work the Town Council have put into the preparation of the draft Plan since work commenced in early 2015.
- 2.4 Where necessary the Examiner has recommended modifications to the Plan in order that it meets the Basic Conditions and other legal requirements. These are listed in the Appendix to the Examiner's Report (pages 21 – 24) and it is common for modifications to be required to draft Neighbourhood Plans following independent examination.

## 3. National Park Authority response to the Examiner's recommendations

- 3.1 Under Neighbourhood Planning (General) Regulations 2012 (as amended), it is the responsibility of the local planning authority to ensure the Plan meets the basic conditions and to determine whether it proceeds to referendum, with or without modifications. The local authority is also responsible for deciding whether the voting area should be the Neighbourhood Area or should include other areas too.
- 3.2 The National Park Authority must also: (i) decide what action to take in response to each recommendation made in the Examiner's Report; and (ii) publish their decision and the reasons for it in a 'Decision Statement'. National guidance indicates that if the local planning authority can make modifications to the Plan to meet the basic conditions and allow it to proceed to Referendum, they should do so. Modifications will normally follow the Examiner's recommendations and clear justification would be required for departing from the Examiner's recommendations.

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<sup>1</sup> The independent Examiner was appointed by New Forest District Council and the National Park Authority, with the agreement of New Milton Town Council.

- 3.3 Officers from the National Park Authority, New Forest District Council and New Milton Town Council met on 9 January 2020 to consider the recommendations made in the Examiner's Report. Ultimately it is the responsibility of the planning authorities to decide what modifications should be made to the Neighbourhood Plan. Having considered each of the modifications proposed by the Examiner, it is recommended that the Authority accepts in full the Examiner's modifications to the draft Plan. The Decision Statement set out in Annex 1 to this report therefore outlines the alterations made to the draft Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations.
- 3.4 Key recommendations from the Examiner that it is proposed to accept include:
- At the request of the Examiner, the Town Council prepared an Illustrative Masterplan for land at Caird Avenue (the 'Concept Plan'). The Examiner recommends that the Concept Plan should be included in the Neighbourhood Plan.
  - In order to reflect the most up-to-date advice on design, it is recommended that a new paragraph be inserted to refer to the National Design Guide (October 2019).
  - A new paragraph be inserted to more accurately reflect the role of New Milton Town Council in monitoring the effectiveness of the Plan. This recommendation is in accordance with the Authority's representations on the draft Neighbourhood Plan.
  - The Neighbourhood Plan should be updated to reflect the fact that the New Forest National Park Local Plan (August 2019) has been formally adopted. This is in accordance with the Authority's representations on the draft Neighbourhood Plan.
  - There are a number of references in the Glossary to the Neighbourhood Plan that should be updated; and the role of the National Park Authority should be explained.
- 3.5 The main policy within the draft Neighbourhood Plan relevant to the National Park is policy NM14 (The rural areas in the National Park). The Authority has previously endorsed the decision to include a policy specifically on the National Park within the Neighbourhood Plan and the Examiner concluded, "...I am satisfied that this policy [NM14] is in general conformity with the strategic policies of the Development Plan and also meets the other Basic Conditions..." – Examiner's Report, paragraph 4.38.
- 3.6 In accepting the modifications set out by the Examiner in full, the draft New Milton Neighbourhood Plan will be altered and it is this revised version of the Plan which will proceed to referendum. It should be noted that New Forest District Council are also going through the same approval process, with their response to the Examiner's Report being considered at a Cabinet meeting and then by the full Council in February 2020.

## 4. Conclusions and the next stages

- 4.1 The Examiner's Report recognises the commitment of the Town Council to the preparation of the Neighbourhood Plan and concludes, "...much effort has been made towards securing a strong raft of local policies that will result in the achievement of the Council's vision and objectives...I am confident that, if made, the document will become an important element in the planning policy framework for the area."<sup>2</sup> The Authority is committed to working alongside New Forest District Council to support the final stages in the Plan-making process – as set out below. The Examiner's Report supports the relatively minor modifications sought by the Authority to the draft Neighbourhood Plan.

<sup>2</sup> Paragraphs 5.4 – 5.5, Examiner's Report, December 2019

(i) *Local Referendum*

- 4.2 The Examiner concluded that the Neighbourhood Plan has no policy or proposals significant enough to have a perceptible impact beyond the designated Neighbourhood Plan boundary. The recommendation therefore is that the boundary for any future referendum should be the boundary of the designated Neighbourhood Plan Area. This conclusion is supported by the two planning authorities and New Milton Town Council.
- 4.3 As the 'relevant council' as defined in the Town and Country Planning Act 1990, it is the responsibility of New Forest District Council to make arrangements for the local referendum to take place. The *Neighbourhood Planning (Referendums) Regulations 2012* (as amended) provide coverage of the referendum process and confirms that a person is entitled to vote if, at the time of the referendum, they meet the eligibility criteria to vote in a local election for the area and if they live in the referendum area.

(ii) *Future adoption as part of the 'development plan' for the National Park*

- 4.4 If the majority of those who vote in a future referendum are in favour of the draft New Milton Neighbourhood Plan 2016 – 2036, then the Plan must be 'made' by the National Park Authority and District Council within eight weeks of the referendum. This is the same process the recently adopted Hythe & Dibden Neighbourhood Plan went through.
- 4.5 The Neighbourhood Plan will then become part of the statutory 'development plan' for the part of the National Park within the parish of New Milton; forming the basis of planning decisions in that area. The formal 'making' of the Neighbourhood Plan after the referendum would be completed at a full National Park Authority meeting later in 2020.

**Recommendation:**

**Members note the recommendations made in the Examiner's Report into the draft New Milton Neighbourhood Plan; and endorse the 'Decision Statement' in Annex 1 to this report setting out the Authority's responses to the Examiner's Report.**

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**Papers:** **AM 592/20** – cover paper  
**Annex 1** – New Milton Neighbourhood Plan Examiner's Report – NPA Decision Statement

**Equality Impact Assessment:** No impacts have been identified.