

PC 447/24

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 20 FEBRUARY 2024

FAWLEY NEIGHBOURHOOD AREA DESIGNATION

Report by: David Illsley, Policy & Conservation Manager

1. INTRODUCTION

- 1.1 Neighbourhood Plans were introduced by the Localism Act 2011 to allow local communities to prepare a plan for development and land use in their area. Neighbourhood Plans are statutory documents that, once adopted, form part of the 'development plan' for the area. As the New Forest is parished, neighbourhood plans can be undertaken by parish or town councils if they choose to prepare one. To date eight Neighbourhood Areas have been formally designated within the National Park, with two neighbourhood plans (Hythe & Dibden and New Milton) formally 'made'. 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 Under the *Neighbourhood Planning (General) Regulations 2012* (the '2012 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.

2. APPLICATION BY FAWLEY PARISH COUNCIL (10 JANUARY 2024)

- 2.1 In letters dated 10 January 2024, Fawley Parish Council applied to the New Forest National Park Authority and New Forest District Council for the whole of Fawley parish to be designated as a 'Neighbourhood Area'. As illustrated on the map in Annex 1 to this report, although the majority of the developed parts of Fawley parish are located outside the National Park boundary, a significant part of the parish lies within the National Park and is therefore under the Authority's planning jurisdiction. The area within the National Park includes the hamlets of Stonehills, Calshot, Hillhead and Stanswood, as well as Calshot Spit and parts of Lepe Country Park. New Forest District Council have confirmed the proposed Fawley Neighbourhood Area designation as it relates specifically to their planning administrative area.
- 2.2 In accordance with Regulation 5 of the 2012 Regulations, Fawley Parish Council's application was accompanied by a map showing the area proposed for designation and a statement explaining: (i) why the area is considered to be appropriate; and (ii) confirming Fawley Parish Council are the relevant body to make such a request.
- 2.3 Fawley Parish Council justified the inclusion of the whole parish by explaining; *"...Fawley Parish Council intends that the 'neighbourhood area' for the purposes of the said plan shall be co-extensive with the civil parish of Fawley and requests the New Forest National Park Authority to designate that area accordingly...The Parish*

Council considers this area appropriate for designation as it will enable all residents who are entitled to vote to participate in the eventual referendum.”

3. DESIGNATION OF A NEIGHBOURHOOD AREA – REGULATIONS

- 3.1 The 2012 Regulations set out the process for designating a Neighbourhood Area. Under the original Regulations from 2012 local planning authorities were required to consult for a 6-week period on a proposed Neighbourhood Area and this was the process followed by the Authority for the first six areas designated in the National Park between April 2013 and June 2016¹.
- 3.2 In October 2016 the *Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016* came into effect (Statutory Instrument 2016 No. 873). One of the amendments to the original 2012 Regulations introduced in 2016 was the insertion of a new section (5A) entitled ‘*Designation of the whole of the area of a Parish Council*’. As a result of this amendment:
- If the area specified in the Neighbourhood Area application consists of the whole of the parish area, there is no requirement to publicise the application or invite representations on the proposal.
 - If the area specified in the Neighbourhood Area application consists of the whole of the parish area, the local planning authority must designate the specified area as a Neighbourhood Area.
- 3.3 Fawley Parish Council has applied to the New Forest National Park Authority and New Forest District Council for the whole of the parish to be designated as a ‘Neighbourhood Area’. Consequently the 2016 revisions to the original Regulations apply and there is legally no longer a requirement to publicly consult on the proposed Fawley Neighbourhood Area. This is on the basis that the administrative area of the parish is already well-established and the Neighbourhood Plan-making process is not seeking to create a new area. This is the revised process followed by the Authority with regard to the designation of the Fordingbridge Neighbourhood Area in April 2020 and the Ringwood Neighbourhood Area in February 2021, which similarly post-date the changes to the Neighbourhood Area-designation process.
- 3.4 Although there is no longer a need to publicly consult on the proposed Fawley Neighbourhood Area, the Authority is still required to ‘designate’ the area formally and that is the purpose of this report. New Forest District Council confirmed the designation of the Fawley Neighbourhood Area for the part of the parish that lies within their planning remit in January 2024.

4. CONCLUSIONS AND RECOMMENDATION

- 4.1 As the sole planning authority for the National Park area, the Authority is required to formally designate the proposed Fawley Neighbourhood Area insofar as it relates to the land within the National Park (see Annex 1). Amendments to the 2012

¹ *Milford-on-Sea, Totton & Eling, New Milton, Lyminster & Pennington, Hythe & Dibden and Wellow*

Regulations have the effect that where the area proposed consists of the whole parish, the local planning authority “*must*” designate the area as applied for.

- 4.2 This is reiterated in the Government’s National Planning Practice Guidance (NPPG) resource on ‘Neighbourhood Planning’ which states, “*Where a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, the local planning authority must designate the whole of the area applied for.*”² There is clearly a logic and consistency in the Neighbourhood Area covering the same geographic area as the parish of Fawley and Authority members are therefore recommended to formally agree this designation.
- 4.3 It should be emphasised that the Authority’s decision only relates to the part of the parish within the National Park. New Forest District Council formally designated the Fawley Neighbourhood Area outside the National Park in January 2024, which includes the majority of the developed areas of the parish. All eight Neighbourhood Areas designated to date in the New Forest are ‘split’ parishes and the NPPG encourages planning authorities to work together to support neighbourhood planning that crosses administrative boundaries to help simplify the process for the community; minimise duplication of work by the planning authorities; and share resources. The Authority will therefore work closely with New Forest District Council to support Fawley Parish Council as they embark on their neighbourhood plan.

RECOMMENDATION:

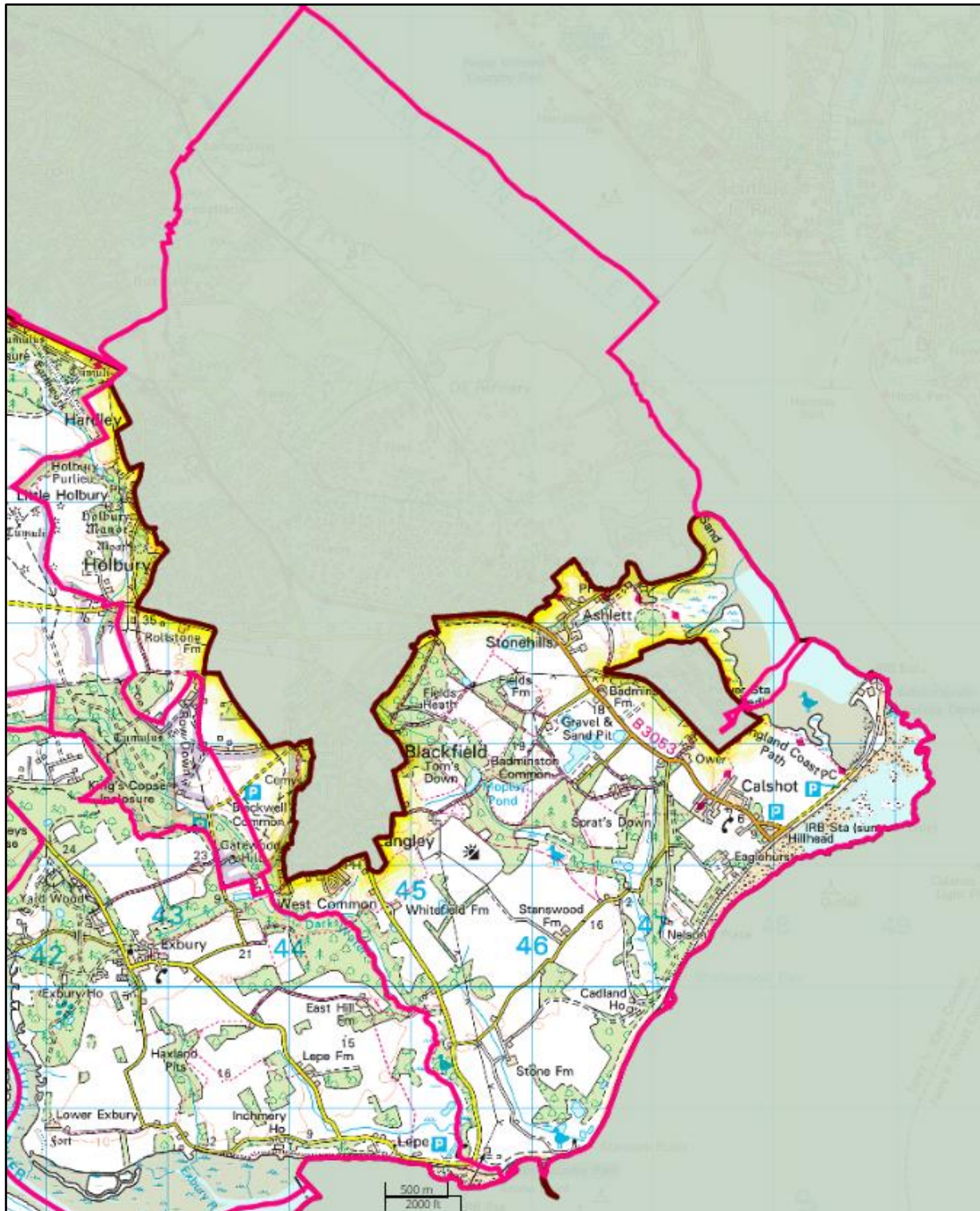
The proposed Neighbourhood Area applied for by Fawley Parish Council (Annex 1) is formally designated by the Authority as it relates to the area of the parish within the New Forest National Park.

Contact:



David Illsley, Policy & Conservation Manager
Tel: 01590 646672
Email: david.illsley@newforestnpa.gov.uk

² NPPG ‘Neighbourhood Planning, Paragraph: 032 Reference ID: 41-032-20170728

Annex 1: Area of the Fawley Neighbourhood Area formally proposed for designation within the New Forest National Park (20 February 2024)



Key

| | |
|---|-----------------------------------|
|  | Parish boundaries |
|  | New Forest National Park boundary |