

PC 460/24

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 21 MAY 2024

WELLOW NEIGHBOURHOOD PLAN – NPA DECISION STATEMENT

Report by: David Illsley, Policy & Conservation Manager

Summary:

Following the final period of consultation on the draft Wellow Neighbourhood Plan held between 10 November – 18 December 2023, the draft Plan, supporting information and all the representations received were subject to independent examination. The examination was undertaken by a suitably qualified person and in early April 2024 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 Authority must now 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. Test Valley Borough Council are currently going through a similar process for the majority of the parish within their planning jurisdiction and once both authorities have agreed their responses the revised Plan will proceed to referendum (it is envisaged this will take place in early July 2024). Subject to the Plan being supported at the referendum, it will be presented to a full Authority meeting for formal adoption later this year.

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 June 2016 the Authority confirmed the designation of the area of Wellow parish that falls within the New Forest National Park as a 'Neighbourhood Area'. This enables Wellow Parish Council to prepare a Neighbourhood Plan. Parish Council, Test Valley Borough Council and National Park Authority officers have worked together on the preparation of the Neighbourhood Plan, led by the Parish Council and Borough Council. Around 15% of the parish of Wellow lies within the National Park, including Wellow Common, Canada Common and the small settlements at Canada and Blackhill.
- 1.2 Following an inaugural meeting with residents and others in December 2016, the Parish Council established a Steering Committee to drive work on the draft Wellow Neighbourhood Plan. A dedicated webpage on the Neighbourhood Plan was established and several parish-wide surveys were conducted to inform the preparation of the Plan (including an assessment of local housing need). Following consultation on earlier iterations of the draft Wellow Neighbourhood Plan, the Plan was subject to a final 6-week public consultation between 10 November – 18 December 2023. During this public consultation, the Authority submitted several representations focusing on the references to the previous New Forest Heritage Area; mitigating recreational and water quality impacts on the internationally designated sites of the New Forest and Solent; and the detailed planning policies on residential development within the parish.

2. Independent Examination and the Examiner's Report (April 2024)

- 2.1 During the final 6-week public consultation on the draft Neighbourhood Plan, representations were received from 12 organisations and individuals. These included representations from Historic England, Natural England, the National Park Authority, Test Valley Borough Council, local residents and several developers.
- 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 Examiner¹ for their consideration. The examination was dealt with by written representations and the Examiner undertook a site visit on 31 January 2024. 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 Wellow Neighbourhood Plan](#) was received on 8 April 2024. The Examiner's key conclusion is that subject to a number of recommendations (principally changes to the detailed wording of some policies and also some substantial editing), the Plan meets all the necessary legal requirements and can proceed to referendum. Where necessary the Examiner has recommended modifications to the Wellow Neighbourhood Plan in order that it meets the Basic Conditions and other legal requirements to proceed to referendum. Over 30 recommended modifications are set out in the Examiner's Report 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 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.
- 3.3 Test Valley Borough Council and Wellow Parish Council have confirmed they are content to accept the Examiner's recommended modifications in full and this report therefore recommends the National Park Authority does the same. The Decision Statement set out in Annex 1 to this report 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 the Examiner's recommendations.

¹ The independent Examiner was appointed by Test Valley Borough Council and the National Park Authority, with the agreement of Wellow Parish Council.

3.4 Key recommendations from the Examiner include:

- Substantial editing is required in order to improve the Neighbourhood Plan's overall function. The Examiner has recommended the removal of material which is not necessary to provide a crisp context for, or explanation of, the planning policies.
- Policy WP-L1B: Landscape character outside of the National Park: The Examiner does not support the reintroduction of that part of the former New Forest Heritage Area lying within the parish under the new title of the 'Wellow Landscape Heritage Area' valued landscape. The Examiner recommends the supporting text to policy WP-L1B is deleted and reference is instead made to the relevant landscape character policy in the adopted Test Valley Borough Local Plan.
- Policy WP-L9: New Forest Special Protection Area: The Examiner recommends modifications to the wording of the policy to clarify the types of development where mitigation for recreational impacts will be required; and the mitigation options. These amendments are consistent with the points raised in the National Park Authority's representations on this section of the draft Neighbourhood Plan.
- Policy WP-L11: Solent and Southampton Water SPA and Solent Maritime SAC: Recommended amendments to clarify the process for assessing the water quality impacts of development and the options for providing mitigation. These amendments are consistent with the National Park Authority's representations.
- Replacement dwellings and extensions to dwellings: The Examiner concluded that there is insufficient evidence to adopt the same policies as apply within the New Forest National Park Local Plan (2019) on these matters to the whole of the parish of Wellow. Reference to a 30% limit on extensions is recommended for deletion.

3.5 In accepting the modifications set out by the Examiner in full, the draft Wellow Neighbourhood Plan will be altered and it is this revised version of the Plan which will proceed to referendum. It should be noted that Test Valley Borough Council are also going through the same process of preparing a 'Decision Statement' and it will fall on the Borough Council to arrange to local referendum on the amended Plan (see below).

4. Conclusions and the next stages

4.1 The Examiner's Report concludes, "... I am satisfied that the Wellow Neighbourhood Plan makes appropriate provision for sustainable development. I conclude that in this and in all other material respects, subject to my recommended modifications, it has appropriate regard to national policy. Similarly, and again subject to my recommended modifications, I conclude that the Plan is in general conformity with the strategic policies in the development plan for the local area." This is a positive recommendation.

(i) Local Referendum

4.2 The Examiner concluded that there is no need for the referendum area to be extended beyond the Wellow Neighbourhood Area – i.e. the parish of Wellow. This conclusion is supported by the two planning authorities and Wellow Parish Council.

4.3 As the 'relevant council' as defined in the Town and Country Planning Act 1990, it is the responsibility of Test Valley Borough Council to make arrangements for the referendum to take place. The Neighbourhood Planning (Referendums) Regulations 2012 (as amended) provide coverage of the referendum process and confirm 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. It is envisaged that the referendum on the Wellow Neighbourhood Plan will be held in early July 2024.

(ii) Future adoption as part of the ‘development plan’ for the National Park

- 4.4 If the majority of those who vote in a referendum are in favour of the Wellow Neighbourhood Plan, then the Plan must be ‘made’ by the National Park Authority and Test Valley Borough Council within the prescribed time period from the referendum date. This would be a decision of the full Authority and the current intention is to present the final Plan for adoption at the July 2024 Authority meeting. The Neighbourhood Plan will then become part of the statutory ‘development plan’ for the part of the National Park within the parish of Wellow; forming the basis of planning decisions in that area.

Recommendations:

Members:

- (a) **note the recommendations made in the Examiner’s Report into the draft Wellow Neighbourhood Plan (April 2024); and**
- (b) **endorse the ‘Decision Statement’ in Annex 1 to this report setting out the Authority’s responses to the Examiner’s Report; and**
- (c) **note that the formal ‘making’ (i.e. adoption) of the Wellow Neighbourhood Plan will be a decision for the full Authority meeting, subject to the majority of voters (i.e. more than 50%) voting in favour of the Plan at local referendum.**

Contact:

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

Papers:

PC 460/24 – cover paper

Annex 1 – Wellow Neighbourhood Plan Examiner’s Report – NPA Decision Statement

Equality Impact Assessment:

No impacts have been identified. The referendum process is prescribed in the relevant national regulations and the making of the Wellow Neighbourhood Plan will be a decision for the full Authority meeting in due course.