

Application No: 22/01024OUT Outline Planning Permission

Site: Land between Lower Pennington Lane and Ridgeway Lane,
Lymington SO41 8AN

Proposal: Access; attenuation basin; associated works and landscaping
relating to New Forest District Council Strategic Housing
Allocation reference SS6

Applicant: Cicero Estates

Case Officer: Natalie Walter

Parish: Lymington and Pennington Town Council

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council view

2. POLICIES

Development Plan Designations

Tree Preservation Order
Public Right of Way

Principal Development Plan Policies

DP2 General development principles
DP8 Safeguarding and improving water resources
DP12 Flood risk
DP18 Design principles
SP5 Nature conservation sites of international importance
SP6 The natural environment
SP7 Landscape character
SP15 Tranquillity
SP16 The historic and built environment
SP17 Local distinctiveness
SP55 Access

Supplementary Planning Documents

Design Guide SPD

NPPF

Sec 5 - Delivering a sufficient supply of homes
Sec 9 - Promoting sustainable transport
Sec 12 - Achieving well-designed places
Sec 15 - Conserving and enhancing the natural environment

Sec 16 - Conserving and enhancing the historic environment

Emerging Lymington and Pennington Neighbourhood Plan- comprises a material consideration but the weight to be afforded to it is limited (as explained in paragraphs 8.74 to 8.77 below).

3. **MEMBER COMMENTS**

None received

4. **PARISH COUNCIL COMMENTS**

Lymington and Pennington Town Council: Recommend refusal.

Initial comment (January 2023):

The Lymington and Pennington Town Council has recommended refusal of application 22/11424 which is for the bulk of the development on the land designated as Strategic Site 6 in the NFDC Local Plan. As the two applications are for the same development, which is only split by the boundary with the National Park, the Council considered it would be inappropriate to apply a different recommendation to this application.

Comment following receipt of amended plans and information (December 2024):

Councillors voted to object to the application for the following reasons given:

- Drainage
- Access roads
- National Park land should be always protected and not used for this purpose
- Flooding
- Detrimental effect on the setting of a listed building.

5. **CONSULTEES**

5.1 Archaeologist: Comments (summarised):

Heritage assessment work done to date for the proposed development area has demonstrated various archaeological anomalies of interest, suggesting the need for further evaluation work to adequately assess the site's archaeological potential. I strongly recommend that a trenched evaluation is commissioned to obtain sufficient information regarding the survival, nature, extent and significance of any surviving archaeological material. If this work is not carried out prior to determination, a phased evaluation programme of works should be secured via planning conditions.

5.2 Building Design and Conservation Officer: Objection (summarised):

The Conservation Team at the National Park Authority previously raised concerns about the proposed design of the Ridgeway Lane junction to

the new development, the alterations to the Poles Lane junction and the realignment of Ridgeway Lane. This concern was twofold: firstly, the impact on the setting of the Grade II listed Wood End House, and secondly the impact on the sensitive landscape character of Ridgeway Lane and the National Park. The concerns regarding the Ridgeway Lane junction design and realignment have still not been adequately addressed. Neither has it been demonstrated how the road layout has been designed with due regard to the desirability of preserving the setting of a listed building.

5.3 Ecologist: Comments (summarised).

Comments in relation to the Ecological Impact Assessment (EcIA) requesting clarifications.

It is likely that once satisfactory clarifications are obtained, the ecological issues relating to the proposal are capable of being mitigated and overall there are potential enhancements for biodiversity. Finer details can be addressed via reserved matters/condition. Survey work appears suitable and current, using standard techniques and has no reason to not support the overall metrics utilised.

Broadly concurs with the content and conclusions of the EcIA , particularly in the context of the consultation proposal being linked solely to the access road and SuDS feature, and the allocation having been approved at Public Inquiry with associated assessments. As reserved matters/conditions will allow for further details of enhancement to be agreed, it is possible that the application area could provide an improved function for the wildlife associated with sites over time, thereby providing additional support.

Minded the survey work in relation to protected species is generally suitable and supportable, being based on appropriate techniques.

Would welcome greater clarification in respect of mitigation and compensation for potential impacts linked to the access route and confirmation of the method for how off site compensation (e.g. planting) will be provided. Clarity is required as to whether any of the works within the Park area are considered to require a protected species mitigation licence.

5.4 Hampshire County Council Countryside Services: No objection subject to conditions and obligations.

Summary:

Planning permission does not entitle the party to which it is granted to obstruct or make alterations to the surface of a public highway, which includes a PROW, without separate permission from either the planning authority under Section 257 of the Town and Country Planning Act (1990) or the highway authority under Section 119 of the Highways Act (1980). The most expedient option for the applicant shall likely be the former and a planning obligation securing this is proposed by the Service.

The public shall retain the right to access at all times during the proposed works to FP82 and FP83, whether on the existing or proposed future alignments of the PROW.

It is reasonable to expect an application of this scale to provide for the protection and enhancement of PROW within or near to the site, in mitigation for the impact of the development on the level of use of the public footpaths. In addition to the changes proposed by the applicant to the surface and alignment of sections of FP83 within the site, the Service has identified other opportunities for improvement to this footpath and FP82 that shall require a contribution from the applicant to enable the Service to carry out the works.

- 5.5 Hampshire County Council Highways: no objections to this application, subject to obligations and conditions.

Summary:

Detailed comments were received on 26 April 2023, 06 February 2024, 16 September 2024 and 28 March 2025.

March 2025

The Highway Authority provided the following further detailed comments on the following highway matters (largely in relation to matters relevant to the District Council's application):

- Personal Injury Analysis (PIA) data;
- Visibility splays;
- Pedestrian routes;
- Pennington Lane road widening;
- The roundabout of A337 and Ridgeway Lane;
- Ridgeway Lane- right hand turn; and
- Site layout design for NFDC's application.

September 2024

Following the submission of additional information and amended drawings by the applicant, the Highway Authority provided the response summarised below. The previous highway responses should be read in conjunction with this report (and are set out on the Authority's website).

Access from Ridgeway Lane

HCC would require a minimum of 5m margin to ensure the edge of the carriageway can be maintained and constructed accordingly. This should be amended during detailed design.

The swept path tracking for pantechonicon vehicle shows that the body of vehicle overhangs the footway. This should be amended during detailed design.

The access arrangement, including visibility splays, have been subject to a Stage 1 Road Safety Audit and the issues raised in that have been

addressed by the applicant. The HA noted that the speed data used was from the survey carried out in December 2017 but do not consider this to be a reason to object to the access arrangement given that there is no evidence to indicate that the speed on this section of the road have changed significantly. Therefore, the HA consider the design of the site access as shown in outline on drawings 2020-6181-102 RevA is acceptable in principle. Should planning permission be granted and the site progress, the applicant will be required to enter an S278 Agreement process to work on the highway. As part of this process a detailed design check will be carried out, including a requirement for further speed surveys and, depending upon the resulting visibility requirements, minor amendments to the designs may be required. However, the HA is satisfied that if any minor amendments are required, these will be achievable within either existing highway or the developer controlled land available. It is noteworthy that a detailed design (Stage 2) Road Safety Audit will be carried out as part of the S278 process, as well as a Stage 3 Road Safety Audit upon opening of the works.

Whilst the design of the accesses is acceptable in principle in highway terms, the proposed access works and re-configuration of Poles Lane junction would result in the loss of some trees/hedges. The loss of vegetation may be a concern for the Local Planning Authority. There are also ditches adjacent to the carriageway; as a note to the applicant, any works affecting the ditch will require Ordinary Watercourse Consent (OWC) prior to works commencing.

Access from Lower Pennington Lane

In the previous response, the HA raised the issue of the footway arrangement along the access road from Lower Pennington Lane leading to the entrance of Oakhaven Car Park.

The applicant has submitted a new drawing 2020-6181-E to show that a continuous footway would be provided along the entirety of the northern side of the access road to the entrance of the hospice's car park. As such, this would provide a safe access for the residents of and visitors to the Hospice, removing the risk of them walking within the carriageway.

Comments relating to both accesses:

Since the previous responses were issued, the requirement for vehicle swept path tracking for fire appliance has been updated in HCC's TG2. This now requires a fire tender measuring of 8.10m long x 2.55m wide to be tracked. At detailed design the applicant will be required to amend the tracking at both accesses and internal roads accordingly. However, it appears tracking of the correct vehicle will be achievable and therefore the HA do not consider this a reason to object to the proposals at this stage.

Swept Path analysis shows that refuse vehicle overhangs the footway outside plot 44. This should be amended at detailed design.

Swept Path analysis to show refuse vehicle manoeuvring around the junction outside plot 15 has not been provided. However, the HA believe this can be achieved.

Vehicular access to the attenuation basin from the proposed highway should be considered in terms of maintenance at detailed design. The HA require the above issues to be addressed, however these can be dealt with during the detail design stage should the development come forward. Therefore, the HA are satisfied with the access design in principle at this stage.

Road resurfacing/ widening:

The applicant has shown that a passing bay would be provided along Ridgeway Lane approximately 200 metres to the south the junction of Forest Gate Gardens. In addition to this passing bay, the applicant has agreed to localised resurfacing and widening of Lower Pennington Lane and Ridgeway Lane. These improvements are shown on drawings 2020-6181-131 and 2020-6181-132. Further discussion to agree the detailed approach will be required during the S278 process.

It is worth noting that the local widening would be on a small scale (including improvement of the road edges in many cases) and implementation of highway works would seek to avoid any impact on large/ valuable trees.

Comments relating to walking and cycling in relation to the District Council's planning application.

Provision of footways along the site's eastern vehicle access which would connect to a new section of footway on the eastern side of Ridgeway Lane proposed as part of the Poles Lane reconfiguration:

Whilst the alignment of the footway is considered acceptable in principle at this stage, it is essential to ensure adequate visibility from the crossing landings, particularly the eastern landing when looking north, is provided due to the presence of a mature hedgerow. Depending on visibility requirements, the exact position of the crossing may need adjustment during the detail design stage. However, the HA is content that if any minor amendments are required, these will be achievable within either existing highway or the developer controlled land available.

Comments in relation to financial contributions, construction traffic management and travel plan.

Hampshire County Council Flood and Water Management Team: No objection subject to condition.

Summary:

As requested previously, additional information has been provided in relation to the drainage calculations, exceedance flow routes and maintenance information.

We would consider the information submitted acceptable for this stage in the process, however, some additional information is still required. The key area is in relation to exceedance flow routes to ensure the existing overland flow route is maintained through the site and also to ensure that flows are directed to green space where possible as opposed to utilising the roads where there may be safety concerns.

A pre-development flow route plan should also be provided.

It is noted that landscaping is proposed surrounding the attenuation basin. This must be designed such that maintenance can still be undertaken on the pond via appropriate access points.

Given that this is an outline application (albeit with layout fixed), it is considered that this can be addressed by condition to ensure a suitable level of information is provided at the appropriate time.

5.6 Landscape Officer: Support subject to conditions.

Summary:

It is agreed (at 6.9 of the LVIA) that 'the field accommodating the attenuation basin benefits from visual containment with mature vegetation at the boundaries' and that (at 6.10 of the LVIA) that the amended and detailed attenuation basin could be successfully assimilated within the local landscape setting without impacting adversely on the special qualities of the National Park. Furthermore, there may even be some localised benefits following on from increasing the diversity of the field both visually and ecologically.

It is reassuring that excavated material from the attenuation basin will not, in any circumstances, be spread across the field in which the basin sits, within the National Park. This is a positive feature of the proposals and is supported.

The contours of the proposed attenuation basin have been adjusted following previous comments from the National Park Authority that the earlier engineering drawings and cross sections showed a 1 in 3 slope, consistently around the whole basin. The design has now been adapted to a 1 in 5 and 1 in 6 slope which will help the visual impact look less a harsh engineering solution and more of a softer landscaped solution with scope for native species planting, wet tolerant shrub planting and a wetland wildflower meadow, as illustrated on the section A-AA.

Whilst the basin details (1 in 3 slope) have been superseded, it is presumed that the headwall details will remain the same. As long as soil is sufficiently carefully placed (and maintained in position) around each of the 3 headwalls then there is no reason why planting cannot be established and maintained on that soil to help screen these engineering features in the medium to long term. This makes their introduction into the field acceptable and once planting has established and maintained,

will not have a detrimental effect on the quality or character of the landscape.

At 7.5 of the LVIA it is noted that the applicant feels that the new vehicular access at Ridgeway Lane into the field will 'relate more closely to the southern developed edge of Lower Pennington as opposed to the New Forest National Park beyond'. 5 street lights are proposed for the length of new access road as it passes through the National Park and the Lighting Report clearly illustrates that the street lights are of a design that keeps light spill to a minimum to reduce the possibility of light pollution in the National Park. Although the introduction of 5 street lights within the National Park does introduce light being emitted, this needs to be balanced with the needs of motorists and pedestrians using the access road. 5 new trees are proposed to be planted on the north side of the new access road from Ridgeway Lane and this will help to ameliorate the visual impact of the access road.

The impacts on the landscape character of the immediate and wider location within the National Park are balanced by a clear intention, contained within the submitted documents, to create as natural a feature as possible with the attenuation basin, with shallow sloping sides and native species planting that reflects the ephemeral nature of the wetland that will be created. A new hedgerow planted within the line of the existing hedgerow on the boundary to the field will also enhance the landscape character of the field and together with wet tolerant shrub planting and wetland wildflower meadow on the banks of the basin, has the potential, if managed correctly, to enhance the visual quality of the field. On this basis, supports the proposals as submitted and as described above.

5.7 Planning Policy: Comments (summarised):

The principle of use of the existing access from Ridgeway Lane is established through the District Council's Local Plan.

The upgrade works required to bring the existing agricultural access off Ridgeway Lane to adoptable standards will impact the character of the area.

The New Forest District Council Local Plan site allocation recognises that a careful balance is required between providing safe access and retaining the character of the lanes. This is an important material planning consideration and the fact the site is allocated in the statutory development plan does not mean these considerations are void. The views of the statutory highways authority (HCC) are central in determining whether this balance has been met.

If it is agreed that the attenuation basin cannot be located within the District Council's planning area, the provision of a new wetland area has the potential to enhance landscape character and biodiversity if done correctly. If the attenuation basin can be designed to respect its setting within a nationally protected landscape, then compliance with national and local policy may be demonstrated.

5.8 Tree Officer: No objection subject to condition.

The site as a whole is subject to two Tree Preservation Orders (ref – 1380) and (TPO/0025/17). A large majority of the protected trees are growing outside of the NFNPA boundary and fall under NFDC's jurisdiction. TPO 1380 shows trees T63 and G4 of TPO 1380 grow adjacent to the public footpath that leads from Ridgeway Lane. At the time the TPO was made in 1986 these trees were Thorn, Holly and 1 Oak tree. During a recent visit, it is apparent that these trees were removed a considerable time ago with Cypress now growing in their place which dominate this location. The belt of mature Cypress grows from the edge of Ridgeway Lane and extends to the west along the southern boundary. Several trees have suffered partial crown failure while a large number of trees having failed at the root plates and are hung up in other trees. The proposed development (area within the NFNPA boundary) will not have a detrimental impact on important landscape trees.

6. REPRESENTATIONS

In excess of 200 representations of objection received in response to three public consultation periods. The objections have been raised on the following grounds (summarised) - some of which relate more specifically to the main elements of the development which are being considered by New Forest District Council through a separate planning application:

General

- Increase of light pollution.
- Increase of air pollution.
- Increase of noise pollution.
- Inaccurate diagrams in the development application.
- Concern about availability at Priestlands school for new influx in children.
- Alternative Build locations are close and much better suited to this development.

Traffic Volume

- Increased traffic volume.
- Concern about size and condition of lanes outside of development area and how they will manage with the extra traffic.
- Effect of increased traffic on those in local hospice.
- Potential increase in roadkill due to increased traffic volume.
- Increased congestion.
- Verge health due to traffic.
- Roundabout traffic increase.
- Sustainability of public transport (inadequate buses, electric car ports).

Safety

- Pedestrian/cyclist safety.
- Concern about risk assessments for road development.

- Lack of traffic calming measures.
- Concern about children walking to school (how safe is it?).

Parking

- Effect of reduction of hospice parking.
- Lack of visitor parking allocation.
- Concern about excess cars parking on roadside.

Trees

- Concern of maintaining mature trees.
- Destruction of wildlife habitat (loss of mature trees).

Other road development objections

- Lack of street lighting in lanes.
- Inaccurate peak traffic measurements.
- Inadequate highways assessment.
- Lack of assessment of link road consequences (between Lower Pennington Lane and Ridgeway Lane).
- Concern that realignment of Ridgeway Lane will encroach onto private land.
- Unnecessary secondary entrance to the development. (Ridgeway Lane).
- Insufficient infrastructure.
- Inappropriate creation of passing lanes.
- Decrease in allure to dog walkers/cyclists.

Drainage and flooding

- Concern about how drainage will affect ecosystem.
- Concern about balancing pond and how it will fit in with the natural environment.
- Concerns about watercourse re arrangement.
- Concern about additional generated sewage and effect on Solent and marshland.
- Inadequate proposed drainage measures.
- Concern about proximity to flood plain.

Conservation and sustainability

- Concern about local listed buildings and how lane alterations will affect them.
- Concern about conserving and enhancing natural beauty, wildlife and cultural heritage.
- Concern about loss of green belt.
- Effect on the tranquility of the area/ Destruction of rural character.
- Loss of a Suitable Alternative Natural Green Space (SANG).
- Lack of sustainable and safe ways to travel for pedestrians (Active Travel).
- Inadequate mitigations to match Net Zero with Nature Plan.
- Concern over development on agricultural land.
- Application not including all the development required in the National Park.

- Precedent in National Park.

Public rights of way

- Concern about current footpaths being disregarded and removed.
- Cycle path may contradict legal covenants to residents of Forest Gate Gardens.

Housing

- Lack of affordable housing.
- Dwelling size and difference to current housing in that area.
- Concern that homes will be bought as second homes and not used to contribute to fixing the shortage of housing in the National Park.
- Overcrowded development (too many houses).

Friends of the New Forest: Objection

December 2023

Amendments to the scheme have not addressed issues raised previously.

March 2023 (summarised):

- Acknowledge the District Council's site allocation.
- Can the number of houses be accommodated on the District Council's site without detriment to the National Park?
- Proposals will not meet the two National Park purposes.
- Environmental impact on the National Park.
- Transport impact on the National Park.

Pennington and Lymington Lanes Society:

A number of representations have been received from the local community action group Pennington and Lymington Lanes Society (PALLS). The latest representations from August 2024 are summarised below. The full representations and earlier representations are set out in full on the Authority's website.

PALLS Response to re-consultation on amendments to planning application 22/01024, August 2024:

This response should be read in conjunction with our two previous objections to the original and first set of revised plans. A separate objection on transport and highways matters produced by our transport consultant, PEP, will follow shortly. We will not repeat our previous objections, all of which remain extant but would wish to make the following additional points:

1. Need

The applicant continues to fail to demonstrate why any of the development proposed within the National Park boundary is essential which your officers have consistently indicated must be shown if the development is to be in any way justified. The reference in Policy SS6 in the adopted New Forest District Council

Local Plan to the provision of a link road was based on the alleged need for emergency access in the event of the development causing flooding in Poles Lane. This does not necessitate a link road or an access in this location within the National Park. There is not, and never has been, any highways justification for the creation of an access onto Ridgeway Lane or the creation of a link road through the site which will be used as a rat run with devastating consequences for the entire network of lanes within the National Park. There is equally no justification for the widening and straightening of Ridgeway Lane and the materially harmful effects of this has been clearly set out in our previous objections. PALLS fully support the objections of your Building Design and Conservation Team. The drainage basin is infrastructure development proposed to serve a strategic housing site in an adjoining authority. It is your Council's policy position that such development is not consistent with the two National Park purposes and should not be permitted without exceptional justification. There are no exceptional circumstances here. The drainage basin was not included in the Local Plan allocation. It does not need to be within the National Park. The drainage case set out in the Vectos report is constrained by a pre-determined layout which limits the areas which could be considered for a drainage basin or other solutions. Even so it acknowledges that there is at least one potential alternative location. It is clear that the applicant is seeking to justify development within the National Park on the basis of a layout which has been pre-determined rather than considering the potential for alternative solutions at the outset which would not involve development within the National Park.

2. Precedent

The justification for the development in the National Park is an economic one and, if it is permitted here, will set a seriously harmful precedent. If approved, we believe that you will be sending a message to developers that adverse landscape and heritage impacts will be set aside wherever there is a site where a developer can achieve a higher return by putting physically and visually damaging infrastructure development within a nationally protected landscape. Re-grading an excavated area and adding some landscaping is not enough to overcome the harm to the visual and physical character of this part of the National Park.

3. Policy

This is the first time that the applicant has acknowledged your Local Plan or sought to justify the development against the New Forest National Park Authority Local Plan Policy. Until now, the applicant has either ignored you completely or paid lip service to your Authority and its policies. Its starting position was that you would relinquish your planning powers to the District Council and when they were disabused of that notion the applicant then asserted that you were a secondary planning authority in relation to this development. This applicant considers that they can develop at will within the National Park because the development will, they claim, facilitate the delivery of part of a strategic housing site.

The key point here is that none of the development proposed within the New Forest National Park is necessary in order to deliver Strategic Site 6. In refusing this planning application because of its harmful impacts, you will not be obstructing the delivery of a strategic housing site. You will be upholding your responsibility to ensure that development, which does not meet the twin purposes of designation of this nationally protected landscape, is refused and you will be protecting the

heritage and landscape assets of this part of Lymington and the salt marshes for future generations. On behalf of our 700+ members of the Pennington and Lymington Lanes Society, we would urge you to uphold the values and policies of your Authority and recommend refusal of this planning application.

4. Other points

- You don't have to look far to find an alternative approach to drainage provision. The rest of SS6 – currently subject to planning application 24/10401 to NFDC doesn't require a huge balancing pond on protected land – it proposes a series of swales and an underground storage solution. Why isn't that an option on this part of the site?
- The applicant's claims that there will be no public access to land within the National Park are false. There are at least three separate areas of ANRG and public open space still proposed within the National Park boundary on the latest set of amended plans. If approved the principle of not allowing ANRG and public open space within the National Park will be fundamentally undermined. The developed area of housing is so close to the National Park boundary that part of the curtilage of Plot 24 actually falls within it and several others are almost as close.
- We still don't know where all the spoil from the excavated area will go – either to landfill via a huge number of lorry movements in the lanes or to creating bunds and raising levels on other parts of the site with unknown landscape and drainage impacts – no information is provided.

PALLS Transport Review of application 22/01024, August 2024 (submitted to NFDC and the Authority):

The PALLS Highway Consultant, PEP, set out detailed commentary on:

- Observations in terms of data used and application boundary queries;
- Site accessibility for non-car users;
- Suitability of pedestrian, cycle and vehicle access proposed;
- Internal transport matters including road layout, pedestrian routes, parking;
- Traffic generation and impact; and
- Offsite highway works design, suitability, and achievability.

Overall, the highways issues previously raised have not been addressed in the revised TA submitted. Of key concern is the limited consideration given to accessibility for non-car users to local facilities and whether the mitigation measures put forward can technically be achieved.

The representation conclusions relevant to the NPA application are as follows:

The updates to the scheme proposals fail to address the key transport related concerns PEP have with the proposed residential development, with updates worsening the site accessibility.

Whether or not the revised proposed pedestrian routes can be achieved as part of the proposals is questioned and in any event are outside the planning application redline and so should be discounted.

The provision of a safe and suitable access for all users is not demonstrated, with site access designs making use of historic traffic data, or data from elsewhere on the road network, and now steps proposed along one proposed pedestrian route.

The proposed access points and footpath crossing locations, even with the build outs now proposed at some crossing points, would all result in a significant amount of tree/hedgerow loss, especially as hedgerows should typically be cut back by 1m to 1.5m beyond the visibility splay to allow for future growth. Therefore, this needs to be considered carefully by other disciplines.

Ridgeway Lane and Lower Pennington Lane are unsuitable for increased cycle and vehicle traffic and would result in a greater chance of vehicles meeting on each lane which would raise safety issues. Previous pinch point assessments on Ridgeway Lane assessing existing narrow sections of the road used traffic flows from early May and it has not been confirmed if these flows are comparable to peak summer months. The surveys are also now five years old. No assessment has been undertaken of the new road narrowing now proposed on both lanes. Road narrowing as part of a S278 agreement would be subject to public consultation and so could not be guaranteed.

Traffic flows on Lower Pennington Lane are already in excess of 1000 vehicles per day in winter months, and likely to be higher in the summer. The level of vehicle traffic passing along this route is already unsuitable for the design of the lane. With an isolated road narrowing also now proposed the suitability of this route for the level of traffic use anticipated becomes even more of an issue.

The proposals fail to demonstrate that the scheme can satisfactorily achieve accessibility by sustainable travel modes and therefore is contrary to NPPF.

The proposed Ridgeway Lane access design and adjacent Ridgeway Lane realignment are not fully within public highway and it is still not clear if this land is included in the redline of the site. Therefore, the applicant has failed to identify how the access is to be achieved.

The vehicle through route between Ridgeway Lane and Lower Pennington Lane would encourage rat running and increase traffic on Poles Lane. Traffic associated with visitors to Hurst View caravan park and the marshes car park would also be able to use this route during the summer, the level of which is not considered given traffic surveys were undertaken in December and early May.

Proposed road widening on Lower Pennington Lane and Ridgeway Lane could have implications on adjacent drainage ditches which may not all be within public highway.

Therefore, the proposals have not confirmed that the scheme would not have an impact in safety terms and that there is not a severe traffic terms in line with NPPF. The application should be refused based on safety and severe impact. The applicant has not demonstrated that the site is accessible.

7. RELEVANT HISTORY

Application for screening opinion under Regulation 6 (schedule 2) of the Town and Country Planning (Environmental Impact Assessment)

Application to Secretary of State by applicant:

Request for a Screening Direction: Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Proposal for: Construction of up to 82 residential dwellings and associated car parking, infrastructure and landscaping at Land east of Lower Pennington Lane, Lymington (PCU/EIASC/B1740/3280938)- determined EIA not required on 01 April 2022.

Concurrent application to New Forest District Council:

Erection of up to 82 No. Dwellings, including Access, Highways Works, Public Open Space (POS), Alternative Natural Recreational Greenspace (ANRG), Landscaping and Drainage Attenuation (Outline Application with details of Access and Layout only) SS6 (NFDC application reference: 22/11424)- pending decision.

Hybrid planning application for the erection of 30 dwellings and associated access, open space and landscaping. Detailed permission is sought for 26 dwellings including 15 age-restricted affordable dwellings (over 55s) to form phases 1 and 2 of the proposed; access off Lower Pennington Lane and internal road layout; provision of alternative natural recreational green space; public open space and local area of play; and car parking for Oakhaven Hospice. Outline permission is sought for 4 custom built units, each to be developed as separate phases of development. (Access and landscaping are in detail with appearance, layout and scale as reserved matters.) Demolition of existing bungalow (NFDC application reference: 24/10401)- pending decision.

8. ASSESSMENT

SUMMARY

This application is an outline application for access, attenuation basin, associated works and landscaping to the south of and relating to New Forest District Council's Strategic Site Allocation Reference SS6.

The application has therefore been assessed in tandem with the concurrent application to New Forest District Council (NFDC reference: 22/11424), which is due to be reported to the District Council's Planning Committee meeting on 09 April 2025. All of the housing proposed as part of the development is located outside the National Park and will be considered by the District Council through their separate planning application.

The application was submitted concurrently with the above-mentioned application to the District Council in 2022. Both applications have been subject to negotiations with the applicant and statutory consultees over a lengthy period.

The principle of accessing the District Council's site allocation through the National Park was considered through the independent examination process and supported by the appointed Inspectors. With the principle of development established through the plan-making process, the National Park Authority is therefore required to focus on the balance between providing safe access (including adequate visibility splays) to a strategic site allocation and maintaining the character of the area.

The report concludes, subject to securing relevant planning conditions and obligations that, whilst the proposed access arrangements would have an impact on local character, an appropriate balance has been struck between providing safe access and this impact. Impacts on heritage assets would be outweighed by public benefits. The proposed attenuation basin could be assimilated into the landscape without impacting adversely on the special qualities of the National Park and would have ecological benefits. Off-site highway works are outside the scope of application 22/01024 and will be the subject of a separate Section 278 agreement between the developer and Hampshire County Council.

For these reasons, as elaborated in this report, the officer recommendation is that, subject to a positive recommendation from New Forest District Council in relation to planning application reference 22/11424, the prior completion of a legal agreement in accordance with the above heads of terms and the conditions as set out in this report and as may be updated, the Head of Planning be authorised to grant planning permission subject to conditions, including delegated authority for the amendment/ adjustment of conditions where necessary.

Should the District Council's application be refused at their committee meeting on 09 April, refusal is recommended.

Application Site

- 8.1 The 1.7-hectare application site within the National Park is irregular in shape and lies between Lower Pennington Lane and Ridgeway Lane in Lymington. Oakhaven Hospice lies to the north of the site and adjacent to Lower Pennington Lane; the residential property of Greencroft lies to the north of the site on the Ridgeway Lane side and Ridgeway Farmhouse lies to the south east. Agricultural fields lie to the south of the site. The site boundary includes a sliver of land immediately south of the existing Lower Pennington Lane access. Public footpath 149/82/2 runs east to west from the access to Northfield Nursery and links to public footpath 149/82/3 which runs to Ridgeway Lane. The footpaths cross between land administered by both NFDC and the Authority. The site contains Tree Preservation Orders (reference 1380 and TPO/0025/17). Wood End House grade II listed building lies over 80m to the south east on Ridgeway Lane.
- 8.2 The land to the north is allocated in New Forest District Council's Local Plan as strategic site allocation SS6. The site was removed from the Green Belt through the District Council's Local Plan-making process and

allocated for at least 100 dwellings to meet identified local housing needs. The allocation was found 'sound' in 2020 following examination.

Proposed Development

- 8.3 The application comprises an outline planning application for:
- "Access; attenuation basin; associated works and landscaping relating to New Forest District Council Strategic Housing Allocation reference SS6."*
- 8.4 The Lower Pennington Lane access would utilise the existing access serving Northfield Nursery and Oakhaven Hospice. The Ridgeway Lane access would be located in the position of the existing field access. The access points would be expanded and reformed to provide T-junctions with priority arrangements.
- 8.5 The attenuation basin would be profiled with maximum side slopes of 1 in 5 and 1 in 6, providing a gentle gradient. It would be located at 6.1m AOD with the top of the basin at 7.612m AOD. It would be planted with a mix of shrubs, trees and meadow seed mix.
- 8.6 As the application comprises an outline application, matters of detail and matters reserved are specified in the submission. The matters of detail are the means of access and layout. Future reserved matters would be appearance, landscaping and scale.
- 8.7 The application has been amended through the course of the application process following multiple consultation periods.

Consideration

- 8.8 The key issues for consideration in this case are:
- The principle of the proposed development within the National Park;
 - The impact on the landscape;
 - Ecological considerations;
 - The impact on heritage assets;
 - The impact on amenities of adjoining properties;
 - The impact on trees;
 - The impact on highways and public rights of way;
 - Flood risk and drainage; and
 - Other material considerations.

Principle of Development

Access

New Forest District Council Local Plan Allocation SS6

- 8.9 Land east of Lower Pennington Lane, Lymington, which is located to the north of the application site, is allocated in Policy SS6 of the adopted New Forest District Local Plan 2016- 2036 (July 2020) for development of

at least 100 homes. The principle of developing the adjacent site is therefore established in the statutory development plan following public consultation and independent examination by the Planning Inspectorate. The illustrative concept masterplan for the site allocation in the District Council's adopted Local Plan (2020) includes indicative primary access points from Lower Pennington Lane and Ridgeway Lane and it was always the intention of the site allocation that access would include land in the National Park.

8.10 By way of background, the Authority made representations on Policy SS6 in the NFDC Submission Draft Local Plan in summer 2018. These representations sought clarification that the proposed access route through the National Park was essential for the proposed allocation to proceed; and, if so, how the access could be designed to minimise landscape impacts. These representations were considered by the Planning Inspectorate (acting on behalf of the Secretary of State) when the District Council's Local Plan was examined in 2019-2020.

8.11 In relation to the proposed site allocation at Lower Pennington Lane, the Inspector's Report into the NFDC Local Plan concluded (in paragraph 196):

"One of the proposed access points is within the National Park; however, the access would require planning permission and measures to minimise impacts on the landscape could be secured at the application stage. Furthermore, the retention of vegetation and provision of recreational greenspace on the southern boundary would help to minimise any visual impact on the landscape of the National Park. Criterion iii a seeks to ensure that the presence of the National Park is taken into account in any proposed development which together with Policy 2 would provide sufficient safeguards to protect the landscape of the National Park."

8.12 The principle of accessing the District Council's site allocation through the National Park was considered through the independent examination process and supported by the appointed Inspectors. With the principle of development established through the plan-making process, the National Park Authority is therefore required to focus on the balance between providing safe access (including adequate visibility splays) to a strategic site allocation and maintaining the character of the area. These matters are considered under the relevant headings below.

National Planning Policy

English National Parks and the Broads: UK Government Vision and Circular 2010 is referenced in the current NPPF (2024) and the related National Planning Policy Guidance on landscape.

Paragraph 85 states: "...there is a strong presumption against any significant road widening or the building of new roads through a [National] Park, unless it can be shown there are compelling reasons for the new or enhanced capacity and with any benefits outweighing the costs very significantly. Any investment in trunk roads should be directed to developing routes for long distance traffic which avoid the Parks."

- 8.13 Although not explicitly stated in the Circular, this section is typically applied to proposals for the national trunk road network or other significant roads in National Parks. More locally, there are examples of new or enhanced accesses being permitted within the New Forest National Park. For example, the adopted New Forest National Park Local Plan (2019) site allocations at Whartons Lane Ashurst (Policy SP22, 62 dwellings) and Church Lane Sway (Policy SP25, 46 dwellings) both include new roads to access housing site allocations within the National Park
- 8.14 Overall, proposed access through the National Park is clearly set out in the Council's adopted Local Plan in both the policy wording and the indicative site layout. The Authority does not consider the wording in the National Parks Circular (2010) means application 22/01024 should be refused as a point of principle; or that the upgraded access points constitute 'major development' that engages paragraph 190 of the NPPF (2024). As stated above, the focus is therefore on the balance between the provision of safe access to a site allocation and the impacts of that access on the landscape and character of the area, including heritage assets, which is considered further below.

Attenuation Basin

- 8.15 The application includes a proposed attenuation basin, constructed within the National Park area on land controlled by the landowner, to provide a drainage solution for the adjacent site allocation SS6. The site of the proposed attenuation basin is currently an agricultural field with no public access. This element of the proposed development in the National Park is not referenced in the site allocation policy in the District Council's adopted Local Plan. In most (but not all) of the strategic site allocations in the District Council's adopted Local Plan (2020), the associated infrastructure is to be provided within the District Council's planning area. The matter of incursion into the National Park was therefore raised with the applicant.
- 8.16 The applicant has submitted a detailed Flood Risk Assessment and Drainage Strategy to support the development which concludes that, whilst there are no areas of the wider site that are at risk of flooding, ground conditions render the location of sustainable drainage infrastructure within the development site unfeasible [following on-site soakaway tests that were carried out in September 2018, the use of infiltration was not deemed viable for this site]. Favourable ground conditions exist to the south of the site allocation and the location lies at a lower ground level than the lowest part of the development (which is the south east corner of the development site) which would allow all development runoff to drain via gravity sewers to the basin. If the basin was located within the development boundary it would sit naturally higher than the south east corner of the site and relevant CIRA guidance could not be met. The Lead Local Flood Authority for the area (Hampshire County Council) have raised no objections to the conclusions of the Flood Risk Assessment and Drainage Strategy.

- 8.17 The Flood Risk Assessment and Drainage Strategy notes that with the basin located on land which will not be made publicly accessible, this would provide the opportunity for a less engineered design and one that can contribute positively towards biodiversity interest.
- 8.18 The applicant has confirmed that the parcel of land within the National Park for the siting of the attenuation basin will not be made accessible to the public for any form of recreation to meet the needs of the new residential development. The land parcel will be used solely for the siting of the drainage basin and associated biodiversity enhancements and is proposed to remain private and controlled by a management company. A case has therefore been made in the context of this site for the proposed siting due to specific circumstances of the development.
- 8.19 It is considered that the provision of a new wetland area has the potential to enhance landscape character and biodiversity if undertaken in a suitable manner. The Authority's position in engaging with the applicant has been that if the design of the attenuation basin respects its setting within a nationally protected landscape, then compliance with national and local policy may be demonstrated.
- 8.20 Whilst the application is an outline application with appearance, landscaping and scale comprising reserved matters, concerns were raised with the applicant during the application process in relation to the initial design of the drainage infrastructure (of an over-engineered nature with a geometric shape and fencing) and the very limited detail on its appearance, function and maintenance, given its proposed location within a National Park landscape.
- 8.21 Amended plans and additional information have been received (shallower profile, no requirement for fencing, details of planting). The revised plans have sought to assimilate the basin into the landscape of the New Forest National Park. In principle, the proposed attenuation basin is considered to be acceptable subject to landscape and ecological considerations, which are set out below.

Impact on Landscape

- 8.22 Against the requirements of paragraph 189 of the NPPF (2024) and the relevant policies in the New Forest National Park Local Plan (including Policies SP7 and SP15), great weight should be given to enhancing the landscape and wildlife of the National Park.
- 8.23 The proposals include an expanded and reformed access on Lower Pennington Lane and the widening of the existing field gate access on Ridgeway Lane to approximately 20m, and the removal of vegetation in order to create site lines. Off-site highway works are also proposed which lie outside of the red-line application site and are a matter for the Section 278 process. These off-site highway works are not the subject of application 22/01024. The proposed access changes will have an impact on the character of the lanes and there is a balance to be struck between the provision of safe access and the impact on character. The Authority's Landscape Officer has been consulted.

- 8.24 In terms of Policy SP15, Tranquillity, five street lights are proposed for the length of the access road as it passes through the National Park. The Lighting Report indicates that the street lights will be of a design that keeps light spill to a minimum to reduce light pollution within the National Park.
- 8.25 The Authority's Landscape Officer has commented that, whilst the introduction of five street lights within the National Park does introduce light being emitted, this needs to be balanced with the needs of motorists and pedestrians using the access road. Five new trees are proposed to be planted on the north side of the access road from Ridgeway Lane and this will help to ameliorate the visual impact of the access road. There is no objection from the Authority's Landscape Officer to this aspect of the proposal.
- 8.26 In respect of the proposed attenuation basin, following earlier concerns raised by the Authority's Landscape Officer, the attenuation basin has been amended and additional information received in respect of landscape considerations. The attenuation basin would comprise a shallow feature with no requirement for fencing. The perimeter vegetation defining the field pattern would be retained and enhanced with new planting. The proposals, including species rich grassland, native tree, hedgerow and shrub planting have been designed to maximise biodiversity benefits in order to contribute to overall BNG for the scheme. Overall, it is considered that this element of the scheme would result in an enhancement of this parcel of land in the National Park.
- 8.27 The attenuation basin would not form part of the ANRG or public open space for the development. The land parcel would be used solely for the siting of the basin and associated biodiversity enhancements through the planting of new hedgerows and wetland appropriate species to maximise the benefits to local ecological interest that can be delivered.
- 8.28 The Authority's Landscape Officer agrees (as at 6.9 of the Landscape and Visual Impact Assessment (LVIA)) that 'the field accommodating the attenuation basin benefits from visual containment with mature vegetation at the boundaries' and that (at 6.10 of the LVIA) that the amended and detailed attenuation basin could be successfully assimilated within the local landscape setting without impacting adversely on the special qualities of the National Park. Furthermore, there may even be some localised benefits following on from increasing the diversity of the field both visually and ecologically.
- 8.29 It is concluded that the impacts on the landscape character of the immediate and wider location within the National Park are balanced by a clear intention, contained within the submitted documents, to create as natural a feature as possible with the attenuation basin, with shallow sloping sides and native species planting that reflects the ephemeral nature of the wetland that will be created. A new hedgerow planted within the line of the existing hedgerow on the boundary to the field will also enhance the landscape character of the field and together with wet tolerant shrub planting and wetland wildflower meadow on the banks of

the basin, has the potential, if managed correctly, to enhance the visual quality of the field. On this basis, the Authority's Landscape Officer supports the proposals, subject to conditions, including the securing of full management plans. Overall, the proposals are considered to accord with Policies SP7 and SP15.

Ecological Considerations

Ecological Enhancements

- 8.30 Due to the date of submission of the application (before 12 February 2024), the application is not subject to mandatory biodiversity net gain (BNG). However, the applicant has proposed ecological enhancements and has prepared a BNG Assessment which considers the baseline condition of the site and demonstrates that the proposal would deliver a net gain. This would comprise a 15.05% increase in habitat units and a 10.8% increase in hedgerow units on the combined development sites (this application and the District Council's application). As this is an outline application, it would be necessary to re-run the metrics at reserved matters stage to ensure that the gains predicted at outline stage remain deliverable.
- 8.31 The proposed drainage basin with landscaping enhancements would deliver ecological enhancements and additional hedgerow planting would be introduced within the existing field to deliver additional biodiversity gain specifically in relation to linear hedgerow habitat. There would be a loss of on-site hedgerow habitat (some within the National Park Authority application area and a larger amount within the District Council's application site) and therefore two sections of native hedging are proposed with this application, positioned in front of an existing hedgerow featured with a 5m gap left between to create a functional wildlife corridor. In addition to this, new hedgerows are to be created of approximately 0.5km in length on land outside of the red-line boundary, but within the control of the landowner in order to deliver the net gain in hedgerow units.
- 8.32 The proposed enhancements including the revised design for the attenuation basin would deliver benefits for biodiversity/wildlife, consistent with the first statutory National Park purpose and would contribute to the delivery of BNG for the wider development site. Due to the contribution towards the delivery of BNG across the wider development site, the National Park Authority would need to be party to the legal agreement to secure the necessary management and monitoring aspects for the required timescale. A Biodiversity Management and Monitoring Plan, covering a period of 30 years, is proposed by the applicant and would be secured by way of Section 106 legal agreement. Although a biodiversity net gain of at least 10% is not a mandatory requirement for this development, the applicant has demonstrated that biodiversity enhancements will be delivered and this is welcomed.

Protected Species

- 8.33 The Authority's Ecologist broadly concurs with the content and conclusions of the submitted Ecological Impact Assessment (EclA) and notes that it is possible that the application area could provide an improved function for wildlife associated with the site over time.
- 8.34 The EclA notes high levels of commuting and foraging bat activity were recorded across the site, which included notable records of rare Barbastelle species of high conservation value. A subsidiary badger sett was recorded on the NFDC application site. A low population of slow worms and grass snakes were observed on the site. Amphibians, including Great Crested Newts were not found to be present on site and a precautionary working method statement has been included. Recommendations for further survey work, mitigation and compensation are put forward in the EclA, including in relation to the lighting strategy and management of construction impacts through a Construction Environmental Management Plan.
- 8.35 The presence of dormice on site has been recorded. A European Protected Species Licence is required for any development works that would affect dormice or dormice habitat. The Authority must therefore be satisfied that the three tests for obtaining such a licence would be met. The first and second tests relate to the work being in the public interest (this is met by its being in compliance with adopted Policy) and there being no satisfactory alternative (the development is the appropriate means of meeting the requirements of the site allocation). The third test relates to the maintenance of the conservation status of the population of protected species. If the works are carried out in accordance with the recommendations of the EclA and the requirements of a licence, this test is capable of being met. Conditions to secure the recommendations of the EclA and requiring a post development report to be submitted to the Authority are appropriate.
- 8.36 The applicant has submitted a Shadow Habitats Regulations Assessment. This assessment covers the whole of the proposed development - with all of the residential development located outside of the National Park and within New Forest District Council's planning jurisdiction. Under the legal requirements of the Habitats Regulations, New Forest District Council is therefore the 'competent authority' for considering the impacts of the proposed housing (and resulting increase in population) on the internationally designated sites in the area. This includes recreational impacts on the New Forest and Solent coastal sites, as well as water quality impacts on the Solent coast. The National Park-element of the scheme does not result in any increase in population and therefore such potential impacts can be screened out for application 22/01024. It is noted that Brent Geese are likely to use nearby sites as high tide feeding roosts. There is no public access onto these sites. In respect of noise and visual disturbance during construction, the timing of works and best practice construction methods are put forward to mitigate any impacts. These could be secured by condition (noise restriction, timing of works and Construction Environmental Management Plan). With mitigation, it is concluded that the proposed development will not have

any significant adverse effect on the integrity and ecological functioning of these European sites.

- 8.37 Overall, subject to the imposition of relevant conditions to secure the recommendations contained in the EcIA and the securing of the off-site hedgerow habitat and the relevant monitoring and maintenance through a legal agreement, it is considered that the proposals would accord with Policy SP6. As outlined above, it is not the role of the National Park Authority to consider the wider ecological impacts of the 82 proposed dwellings and the resulting increase in population, as New Forest District Council is the competent authority for assessing these impacts (as well as securing avoidance or mitigation where required).

Impact on Heritage Assets

- 8.38 Wood End House, a Grade II listed building, lies just over 80 metres to the south east of the application site access on Ridgeway Lane. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The application includes a Heritage Statement, prepared by a heritage consultant, and two further statements in response to comments from the Authority's Building Design and Conservation Team.
- 8.39 The heritage experts agree that the historic and architectural significance of the listed building is best appreciated from within the private grounds of the property, particularly from the grounds to the south. However, the Authority's Building Design and Conservation Team have raised concern about the wider setting of the listed building. The objection is on the basis that the proposed widening of the access and realignment of the rural lane would cause a degree of harm to the setting of the listed building. The most recent comments focus on the proposed realignment of the rural lane. However, the off-site highway works fall outside of the red-line boundary of the application site and are a matter for the Section 278 process, rather than in the determination of application 22/01024. Focusing on the proposed widening of the access, this is located over 80 metres to the north of the listed building. It is acknowledged that the widening would result in loss of vegetation and a change to the character of the access. However, additional planting is proposed to soften the access and no new buildings are proposed in the locality. If it is considered that there is harm to the setting of the grade II listed building, this would, at most, be at the lower end of less-than-substantial harm (where the proposals would be anticipated to result in a restricted level of harm to the significance of the heritage asset, such that the asset's contributing heritage values would be largely preserved). Paragraph 215 of the NPPF (2024) sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. National Planning Policy Guidance (Paragraph: 020 Reference ID: 18a-020-20190723) states that public benefits may follow from many developments and could be anything that delivers economic, social or

environmental objectives as described in the NPPF (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. In this case, the public benefits would comprise the provision of a safe access to an allocated site which would contribute to meeting the District Council's housing need, including the provision of affordable housing to meet identified needs in the District. The public benefits of delivering new housing on an adopted local plan site allocation in an area of rising housing needs (with constrained land supply) are considered to outweigh the restricted level of harm.

- 8.40 In relation to potential impacts on archaeology, a Geophysical (Magnetometer) Survey and a Written Scheme of Investigation for archaeological trench evaluation have been submitted. The Authority's Archaeologist has commented that heritage assessment work undertaken to date for the proposed development area has demonstrated various archaeological anomalies of interest, suggesting the need for further evaluation work to adequately assess the site's archaeological potential. It is considered in this case that a phased evaluation programme of works can be secured via planning conditions.

Impact on Amenity

- 8.41 It is for New Forest District Council to consider wider amenity matters through the determination of the main residential element of the scheme. The proposals include a landscape buffer to Oakhaven Hospice within the District Council's planning application. Loft's House is located to the west of Lower Pennington Lane just south of the existing access which would be upgrade. Whilst there would be a minor visual impact, the access is not anticipated to result in unacceptable adverse impacts in respect of visual intrusion, overlooking or shading.
- 8.42 The property of the Potting Shed is located adjacent to public right of way 82. Whilst the proposed wider development would result in increased use of this footpath, upgrades are proposed in the form of replacement boardwalks and the proposed access road and attenuation basin will not have an unacceptable adverse impact on the amenity of this property.
- 8.43 To the east of the site, the property of Greencroft is located on Ridgeway Lane and adjacent to public footpath 83. Whilst the wider development would result in increased use of this footpath, the footpath would be improved through resurfacing. Planting and landscaping are proposed to the south between this property and the widened access.
- 8.44 Ridgeway Farmhouse lies to the south east of the Ridgeway Lane access point. Whilst there would be a visual impact from the widened access, new planting is proposed which would soften the visual impact.
- 8.45 Traffic movements have been considered under the District Council's application.

Impact on Trees

- 8.46 The site as a whole is subject to two Tree Preservation Orders (reference 1380 and TPO/0025/17). A large majority of the protected trees are growing outside of the NFNPA boundary and fall under NFDC's jurisdiction. The Authority's Tree Officer has noted that TPO 1380 shows trees T63 and G4 of TPO 1380 grow adjacent to the public footpath that leads from Ridgeway Lane. At the time the TPO was made in 1986 these trees were Thorn, Holly and 1 Oak tree. During a recent visit it was apparent that these trees were removed a considerable time ago with Cypress now growing in their place which dominate this location. The belt of mature Cypress grows from the edge of Ridgeway Lane and extends to the west along the southern boundary. Several trees have suffered partial crown failure while a large number of trees having failed at the root plates and are hung up in other trees. The proposed development area within the New Forest National Park Authority boundary will not have a detrimental impact on important landscape trees. There is no objection from the Authority's Tree Officer subject to condition to ensure that the development takes place in accordance with the submitted tree protection plan and arboricultural information.

Impact on Highways and Public Rights of Way

- 8.47 Section 9 of the NPPF comprises national policy on promoting sustainable transport. Paragraph 115 sets out that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that sustainable modes of transport are prioritised taking account of the vision for the site, the type of development and its location; and that safe and suitable access to the site can be achieved for all users. It also sets out that the design of streets, parking areas, other transport elements and the content of associated standards should reflect current national guidance and any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.48 Paragraph 116 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 8.49 The focus of highway considerations in respect of the Authority's application is on the provision of safe access to the site allocation and the impact of this on the character of the area.
- 8.50 The proposals include upgrading and extending of the existing access from Lower Pennington Lane, a second primary access from Ridgeway Lane at the current existing gated field access and pedestrian and cycle access through the site from Lower Pennington Lane to Ridgeway Lane, connecting to a network of pathways through the wider development.

- 8.51 The Lower Pennington Lane access would utilise in part the existing access serving Northfield Nursery and Oakhaven Hospice and would be expanded from circa 15m to circa 20m in width. The Ridgeway Lane access would be located in the position of the existing gated field access and would be circa 20m in width. The access points would be reformed to provide T-junctions with priority arrangements.
- 8.52 The proposed development includes new footways flanking each of the proposed vehicle access points. The western vehicle access on Lower Pennington Lane would be flanked by a 1.8m wide footway on its northern side, part of which would fall within the National Park. It would then cross to a 2.0m wide footway on the southern side of the road which would be partly located in the National Park. The eastern vehicle access on Ridgeway Lane would be flanked by a 2.0m wide footway on its southern side, which would continue west into the site and would link with interal footways and footpaths.
- 8.53 Off-site highway works are proposed including works adjacent to the Ridgeway Lane access; carriageway alignment of Ridgeway Lane and the junction of Poles Lane / Ridgeway Lane; improvements along Lower Pennington Lane and Ridgeway Lane carriageways including resurfacing and localised widening; new footway connections and pedestrian access points. These proposals are outside the scope of application 22/01024 and will be the subject of a separate Section 278 agreement between the developer and Hampshire County Council.
- 8.54 Hampshire County Council as Highway Authority considers that the design of the access arrangements is acceptable in principle in highway terms noting that the proposed access works would result in loss of some trees/ hedges and that any works affecting the ditches adjacent to the carriageway would require ordinary watercourse consent. They have commented on amendments required in relation to both accesses at the Section 278 stage and these would be dealt with under the Section 278 process.
- 8.55 In relation to the proposed off-site highway works, the Highway Authority has noted that the applicant has agreed to localised resurfacing and widening of Lower Pennington Lane and Ridgeway Lane and further discussion to agree the detailed approach will be required during the Section 278 process. The detailed design of the off-site works are not matters for approval through this planning application. It is simply necessary to be satisfied that these works are those that are necessary to mitigate the wider development's transport impacts and that the works are deliverable. Having regard to the expert advice of the Highway Authority, there is considered no basis to reach a conclusion other than that the proposed off-site works are necessary and achievable. Delivery would be secured through the Section 106 legal agreement.
- 8.56 Representations have set out criticism of the visibility splays provided as part of the supporting Transport Assessment and also in respect of the Personal Injury Analysis (PIA) data submitted in the application. Concerns have also been raised in relation to the proposed off-site

highway works. The Highway Authority provided detailed commentary on these matters in their response of March 2025.

- 8.57 Overall, the Highway Authority has no objections to the application, subject to conditions to secure a construction traffic management plan; details of vehicle cleaning measures during the construction phase; the provision of footpath and connections within the District Council's application site and area; and the securing of obligations relating to the off-site highways works.
- 8.58 In relation to cycle and pedestrian access, the application is supported by a Walking, Cycling and Horse-Riding Assessment (WCHAR) and the applicant has proposed a package of cycle and pedestrian access works, some of which are located within the National Park. The Highways Authority has confirmed that the pedestrian accesses flanking the proposed vehicular accesses are acceptable. Cycle access into the site is dependent on the use of the two vehicular accesses. Lower Pennington Lanes is set out on the cycle route map published by the Authority. It is noted that the District Council, in their committee report for application 22/11424 consider that the wider proposal broadly contributes towards a more integrated local cycle network through the proposed internal link roads.
- 8.59 Two small sections of the internal road are located within the National Park. The supporting Transport Assessment sets out in paragraph 4.10.1 that the proposed link road would be to adoptable standard and proposed shared surface arrangements would be provided in accordance with the national highway design guidance Manual for Streets. The proposed areas of car parking fall within the District Council's planning application outside of the National Park and are a matter for consideration by the District Council.
- 8.60 Overall, the Authority is satisfied that, subject to conditions and the securing of planning obligations, safe and suitable access to the site can be achieved for all users in accordance with paragraph 115 of the NPPF. The impacts of the residential development proposed within the District Council on the highway network are a matter for the District Council. It is noted that District Council's committee report considers that, subject to suitable conditions and a Section 106 planning obligation, the proposal would not have a severe residual cumulative impact on the local road network.
- 8.61 In respect of public rights of way, public footpath 82 running between the western and eastern vehicle access points would be retained with sections upgraded or realigned. Public footpath 83 would feature some minor diversions to the existing route to link to the network of paths on the wider development site.
- 8.62 Hampshire County Council Countryside Planning has been consulted. A contribution for resurfacing the 60-metre section of Lymington and Pennington Footpath 83 adjacent to the property of Greencroft is requested to provide a more durable composition that would enable convenient public use all year round (this section of footpath appears on

mapping to cross between land within NFDC's and the Authority's jurisdiction) A contribution to replace the boardwalks of 15 metres in length in total is requested to provide safer walking surfaces for pedestrians on Lymington and Pennington Footpath 82 between the Potting Shed and the junction of the path with footpath 83 (which lies just within NFDC's area of jurisdiction, adjacent to the National Park). There is no objection from HCC Countryside Planning subject to conditions relating to the construction period and securing obligations for the footpath improvements and diversion of the routes (as shown in drawing number 2020-6181-101 Rev E).

Flood Risk and Drainage

- 8.63 The application site is located within Environment Agency Flood Zone 1 (low probability of river or sea flooding) and has a low risk of surface water flooding. The proposed development does not comprise a vulnerable use in flood risk terms and is appropriate in this location. Flood risk was assessed at the plan-making stage and the allocation found 'sound' following consideration of the evidence base.
- 8.64 The attenuation basin forms part of the drainage solution for the wider site. The headwall features would be set down into the site and enter the basin towards the bottom of the graded slopes. Provision is made for the discharge of water from the base once reaching a particular level to the ordinary water course comprising the existing system of field ditches. This would only occur when the level of water within the basin feature required it. The depth of the basin has been designed to account for a 1 in 100 year (+40% allowance for climate change) flooding event. The basin has been designed to provide a 365mm freeboard above the level of the maximum water depth in this event which is considered to accord with the approach set out within the CIRIS SuDS Manual guidance in respect of basin design.
- 8.65 Surface water discharge to the existing ditch network would be limited to the greenfield runoff rate for the site which is 15.3 litres per second (for up to and including the 1 in 100 year return peak storm event (with 45% climate change applied)). The attenuation would be provided by a Hydro Brake (or similar).
- 8.66 In addition, appropriate pollution prevention is incorporated with the Drainage Strategy to ensure that any fuel, oil or tyre deposits from use of the highways within the development are prevented from discharging into the drainage basin.
- 8.67 The attenuation basin would be maintained by the management company in accordance with the guidance set out in the CIRIA SuDS Manual. A condition is proposed requiring details of proposed maintenance.
- 8.68 Hampshire County Council as Lead Local Flood Authority has been consulted on the application and has no objection subject to a condition requiring a detailed surface water drainage strategy for the site including detailed drainage plans, detailed drainage calculations and exceedance plans.

- 8.69 The proposed foul water drainage strategy is a matter for the District Council, who have noted that the local service provider, Southern Water, has confirmed that they can facilitate sewerage disposal to service the residential development.

Other

- 8.70 A Contaminated Land Desk Study Report has been submitted with the application. There is no objection from Environmental Protection at NFDC subject to the inclusion of appropriate conditions.
- 8.71 There is no objection from Environmental Health at NFDC in relation to air quality and no objection in relation to noise impacts subject to a condition requiring a Construction Environmental Management Plan. This would be secured by condition.
- 8.72 A small section of the wider site's public open space and a very small section of Alternative Natural Recreational Greenspace (ANRG)) would fall within the National Park boundary on the north western part of the application site. The management and maintenance of these areas (which would be by the applicant or an appointed management company in perpetuity) would be secured through the overarching S106 legal agreement covering both the National Park Authority and District Council application sites.
- 8.73 In respect of mineral safeguarding, the submitted Minerals Investigation Report concluded that, due to the quantum of mineral that is likely to be available, as a result of the identified constraints, it would not be viable to remove this aggregate for processing off-site and thus only incidental use, as part of the development, is likely to occur. Hampshire County Council have commented on the District Council's application stating that particular opportunities may lie in the recovery of mineral deposits uncovered during the preparation and construction phases of the project. Recovered mineral re-use on site would encourage a reduction of excavation waste removed from the site. Conditions are therefore recommended in this respect. Subject to conditions, the proposal would comply with Hampshire Minerals and Waste Plan Policy 15 (which is proposed to remain unchanged in the partial review of this plan).

Emerging Lymington & Pennington Neighbourhood Plan

- 8.74 Planning applications are decided in accordance with the adopted development plan, unless material considerations indicate otherwise. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it. The NPPG resource on 'Neighbourhood Planning' confirms that, "...an emerging neighbourhood plan is likely to be a material consideration in many cases."
- 8.75 Paragraphs 48 – 49 of the NPPF (December 2024) state that planning authorities may give weight to relevant policies in emerging plans (which include Neighbourhood Plans) according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

8.76 The draft Lymington & Pennington Neighbourhood Plan has recently been submitted to the National Park Authority and New Forest District Council prior to be published for a further period of statutory public consultation, independent examination and referendum. Given the number of key stages the need to be undertaken before the Neighbourhood Plan is 'made', the weight afforded to the emerging Plan is limited (when considered against the criteria in paragraph 49 of the NPPF).

8.77 The emerging Lymington & Pennington Neighbourhood Plan includes draft policies on 'Walkable Neighbourhoods' (policy LP5); 'Green Infrastructure and Nature Recovery Network' (policy LP8); 'Safer Lanes Network' (LP9); and 'Active & Healthy Travel' (LP10). The proposed 'Safer Lanes Network' includes Ridgeway Lane and Lower Pennington Lane and the draft policy seeks to protect the rural and historic characteristics of the lanes and promoting the lanes as shared spaces. The draft Neighbourhood Plan policies will be subject to further public consultation before being considered at independent examination and then local referendum. One of the 'basic conditions' for neighbourhood plans is that they must be in general conformity with the strategic policies contained in the adopted development plan for the area and this will be considered at examination during 2025/26.

Section 106 Legal Agreement

8.78 An overarching legal agreement would be required to cover both this application and the District Council's application reference 22/11424. The District Council's Committee Report sets out detailed Head of Terms for a Section 106 legal agreement. This would need to be completed prior to the issue of any planning permission. The provisions relevant to the Authority include those listed below, index linked where appropriate, and have been assessed as being necessary, directly related to the development and fairly and reasonably related in scale and kind to the development:

- Off-site Biodiversity Net Gain improvements (linear hedgerows).
- Biodiversity Net Gain management and monitoring (on and off-site).
- Off-site highway works on Ridgeway Lane access (which are within both the NFNPA and NFDC areas).
- National Park Authority legal agreement monitoring fee.

Planning Balance and Conclusion

- 8.79 The application comprises an outline planning application for access, attenuation basin, associated works and landscaping to the south of and relating to New Forest District Council's Strategic Site Allocation Reference SS6.
- 8.80 The principle of accessing the District Council's site allocation through the National Park was considered through the independent examination process for the New Forest District Local Plan and supported by the appointed Inspectors. With the principle of development established through the plan-making process, the National Park Authority is therefore required to focus on the balance between providing safe access (including adequate visibility splays) to a strategic site allocation and maintaining the character of the area.
- 8.81 The principle of the siting of the attenuation basin with the National Park has also been assessed. A case has been made in the context of this site for the proposed siting due to specific circumstances of the development and the revised plans have sought to assimilate the basin into the landscape of the New Forest National Park.
- 8.82 Following on from the principle of the proposed development, matters weighing in favour of the proposals include provision of safe access arrangements linked to the District Council's strategic site allocation; the securing of footpath improvements; and the provision of BNG and ecological enhancements.
- 8.83 Weighing against the proposals are the impact on the character of the locality of the proposed access arrangements and the impact on a heritage asset.
- 8.84 Some new planting is proposed in relation to the new access arrangements, such as the new trees on the north side of the access road from Ridgeway Lane and there is no objection from the Authority's Tree or Landscape Officers to this aspect of the proposal.
- 8.85 In relation to the landscape impacts of the proposed attenuation basin, it is concluded that the impacts on the landscape character of the immediate and wider location within the National Park are balanced by a clear intention, contained within the submitted documents, to create as natural a feature as possible with the attenuation basin, with shallow sloping sides and native species planting that reflects the ephemeral nature of the wetland that will be created.
- 8.86 In terms of highway safety, overall, having regard to the consultee responses from the Highway Authority, the Authority is satisfied that, subject to conditions and the securing of planning obligations, safe and suitable access to the site can be achieved for all users in accordance with paragraph 115 of the NPPF.

- 8.87 Off-site highway works are also proposed which lie outside of the red-line application site and are a matter for the Section 278 process. These highway works are not the subject of application 22/01024.
- 8.88 The Authority's Building Design and Conservation Team have raised concern about the wider setting of the listed building. The most recent comments focus on the proposed realignment of the rural lane. However, the off-site highway works fall outside of the red-line boundary of the application site and are a matter for the Section 278 process, rather than in the determination of application 22/01024. Focusing on the proposed widening of the access it is acknowledged that the widening would result in loss of vegetation and a change to the character of the access. However, additional planting is proposed to soften the access and no new buildings are proposed in the locality. If it is considered that there is harm to the setting of the grade II listed building, the public benefits of delivering new housing on an adopted local plan site allocation in an area of rising housing needs (with constrained land supply) are considered to outweigh the restricted level of harm.
- 8.89 The proposed development, subject to conditions, would be acceptable in terms of impacts on public rights of way, flood risk, surface water drainage, impacts on ecology, trees, archaeology, land contamination, mineral extraction, air quality, noise, lighting and local amenity.
- 8.90 In conclusion, subject to securing relevant planning conditions and obligations that, whilst the proposed access arrangements would have an impact on local character, an appropriate balance has been struck between providing safe access and this impact. Impacts on heritage assets would be outweighed by public benefits. The proposed attenuation basin could be assimilated into the landscape without impacting adversely on the special qualities of the National Park and would have ecological benefits. Off-site highway works are outside the scope of application 22/01024 and will be the subject of a separate Section 278 agreement between the developer and Hampshire County Council.

9. RECOMMENDATION

- 9.1 Subject to a positive recommendation from New Forest District Council in relation to planning application 22/11424, the prior completion of a section 106 legal agreement in accordance with the above heads of terms and the conditions as set out in this report and as may be updated, the recommendation is the Head of Planning be authorised to grant planning permission subject to the following conditions, including delegated authority for the amendment/ adjustment of conditions where necessary.

Condition(s):

1. Reserved matters timescales

The first application for the approval of Reserved Matters shall be made within a period of three years from the date of this permission. All subsequent Reserved Matters applications shall be submitted no later than 3 years from the date of the approval of the first reserved matters application.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Reserved Matters

Except for off-site highway and access works secured to support this proposal, no development shall take place until approval of the details of the Appearance, Landscaping and Scale ("the reserved matters") has been obtained from the Local Planning Authority. The development shall only be carried out in accordance with the details which have been approved. The plans and particulars shall include the following detailed proposals:

- Hard and soft landscaping details including:
- Existing and proposed finishes and contours
- Hardsurfacing materials
- Soft landscape details, which shall include the following:
- Planting plans
- Written specification (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/ densities
- Retained area of grassland, hedgerow and trees
- Implementation programme.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. Commencement time limits

The development shall be begun no later than two years from the final approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. Approved Parameter Plans.

The Reserved Matters details to be submitted shall be substantially in accordance with the following Parameter Plans comprising:

- 15060_P030_Proposed_Access and Streets Framework
- P22_1239_EN_09 Landscape Plan - Basin Proposals
- P22_1239_EN_08D Landscape Principles Document
- P22_1239_EN_0006 Rev E Landscape Framework Plan
- VD18788 VEC 005 Rev P03 Proposed Attenuation Basin and Headwall Details
- VD18788 VEC 002 Rev P07 Proposed Drainage Schematic

Reason: To ensure satisfactory provision of the development.

5. Approved Plans

The development permitted shall be carried out in accordance with the following approved plans:

- 15060_P022_Rev B Site Location Plan NPA
- 15060_P023_ Rev G Site Layout NPA
- 8257-8 Tree Protection Plan
- 2020-6181-102 Rev A Ridgeway Lane Access Overview and Visibility Splays
- 2020-6181-103 Rev B Lower Pennington Lane Access Overview and Visibility Splays
- 2020-6181-101 Rev E Vehicular and Pedestrian Access Overview
- 2020-6181-114 Rev E Pedestrian/Cycle Access Strategy

Reason: To ensure satisfactory provision of the development.

6. Details of Surface Materials of Access

Prior to commencement of development, exact details of the surface materials of the access shall be submitted to and approved in writing by the New Forest National Park Authority.

Development shall only be carried out in accordance with the details approved.

Reason: To ensure an acceptable appearance of the road in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

Development Phasing

7. Prior to the commencement of development on site, a plan and strategy for the phased delivery of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. It shall demonstrate how the scheme will be delivered in relation to NFDC planning application reference: 22/11424. The approved strategy shall then be implemented unless with prior written consent to any variation.

Reason: In order to ensure timely and appropriate delivery of the development

Construction Traffic Management Plan

8. No development hereby permitted shall commence until a Construction Traffic Management Plan (CTMP), to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles within the confines of the site, lorry routeing and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

The CTMP shall include suitable measures to protect the public's safe and convenient access to Lymington and Pennington Footpaths 82 and 83 (before and/or after any potential s257 diversion order is confirmed) during all site works. This shall include, but not be limited to, the following:

- i. The setting up of a programme of works around the routes of the PROW, with the objective to retain public access as much as possible, including setting out any plans for any reasonable, temporary closures and/or diversions of the PROW to allow for works.
- ii. A risk assessment for PROW users resulting in a safe and suitable traffic management plan including:
 - a) Details of proposed signage to be positioned at appropriate points throughout the site to alert vehicle users to the presence of a public footpath and its users, and vice versa.
 - b) Confirmation that vehicle users shall give way at all times to PROW users when encountered on the PROW.
 - c) Any security fencing, suitably set back from the PROW surfaces.
- iii. Confirmation that all necessary orders for the temporary diversion and/or closure of Lymington and Pennington Footpath 82 and 83 shall be applied for by the applicant, at their own expense, from HCC, as Highway Authority for PROW, with any such orders to be confirmed by the Highway Authority prior to commencement of any works that would otherwise impact the public's safe and continuous

access to the PROW.

Reason: In the interests of highway safety.

Vehicle Cleaning Measures

9. Full details of the vehicle cleaning measures proposed to prevent mud and spoil from vehicles leaving the site shall be submitted in writing to the Local Planning Authority for written approval prior to the commencement of the development. The approved measures shall be implemented before the development commences. Once the development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of the development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

Reason: In the interests of highway safety.

Public Right of Way Safety

10. No vehicles, equipment, machinery, materials, spoil, scaffolding or anything else associated with the site preparation, construction or occupation of the development, shall be left on or near to Lymington and Pennington Footpath 82 and 83 to cause obstruction, hinderance or hazard to the footpath's public users.

Reason: In the interests of highway safety.

Protection of Retained Trees

11. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement Ref: 18257-AA7-LF dated 6th November 2024 and Tree Protection Plan 18257-8.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

Installation of new hard surfacing (roads, footpaths, driveways) within the root protection areas of retained trees within the application site

12. No development, demolition or site clearance shall take place until the following information has been submitted and agreed to in writing with the Local Planning Authority: An Arbocultural Method Statement and Engineering Drawings for the installation of new hard surfacing (roads, footpaths, driveways) within the root protection areas of retained trees. Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

Arboricultural pre-commencement site meeting

13. Prior to the commencement of works (including site clearance, demolition and construction works) 3 working days' notice shall be given to the Local Planning Authority Tree Officer to attend a pre-commencement site meeting as specified within the submitted Barrell Tree Consultancy Manual for Managing Trees on Development Sites V3.0 SGN 1: Monitoring tree protection.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

Incidental mineral extraction

14. Prior to commencement of the development hereby approved on site, the following details shall be submitted to and agreed in writing with the LPA, which may be included within a construction management plan or similar.

- i. a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use; and
- ii. a method to record the quantity of recovered mineral (re-use on site or off site) and to report this data to the Minerals Planning Authority.

The development shall be carried out in accordance with the details so agreed.

Reason: In the interests of utilising any mineral deposits which could be used on the site as part of the construction works

Detailed Surface Water Drainage Scheme

15. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment & Drainage Strategy Issue 9 (24.10.2024), has been submitted and approved in writing by the Local Planning Authority.

The submitted details should include:

- i. A technical summary highlighting any changes to the design from that within the Flood Risk Assessment & Drainage Strategy Issue 9 (24.10.2024)
- ii. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- iii. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
- iv. Exceedance plans demonstrating the flow paths and areas of

ponding in the event of blockages or storms exceeding design criteria and ensuring flows are directed to appropriate locations.

The scheme shall also include details for the long-term maintenance arrangements for the surface water drainage system and shall include:

- a. Maintenance schedules for each drainage feature type and ownership
- b. Details of protection measures

The approved details shall then be implemented and thereafter maintained in accordance with the approved regime of maintenance.

Reason: In order to ensure sufficient and appropriate surface water site drainage is provided to protect the site and surroundings from flood risk and in accordance with Policy DP12 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

Works and Ancillary Operations: Times

16. All works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: In the interests of local general amenity and in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

Completion of a programme of archaeological works

17. No residential dwelling shall be occupied until the site investigation including archaeological trench evaluation and post investigation assessment has been completed in accordance with the programme set out in the Land East of Pennington Lane (Lymington) Written Scheme of Investigation for an Archaeological Evaluation (Cotswold Archaeology, November 2023), and the provision made for analysis, publication and dissemination of results and archive deposition has been secured to the written satisfaction of the Local Planning Authority.

Reason: To ensure that archaeological remains and features are recorded and published prior to their potential loss.

Contamination

18. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions relating to contamination No 19 to 22 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 20 has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

19. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's technical guidance, Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

20. Where contamination has been identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

21. Where a remediation scheme has been approved in accordance with Condition 20, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

22. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 19 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 21.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

Construction Environmental and Management Plan

23. Prior to the commencement of development including any site clearance or site set up works a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include the following details:

- i. Development contacts, roles and responsibilities;
- ii. A site layout plan with locations of the site office, welfare facilities, areas for material storage and waste storage and areas set a-side for the parking of vehicles;
- iii. Public communication strategy, including a complaints procedure;
- iv. Details of the type of equipment to be used and their hours of operation;
- v. Use of fences and barriers to protect adjacent land, properties, footpaths and highways;
- vi. Statement outlining a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use;
- vii. Statement outlining a method to record the quantity of recovered mineral (re-use on site or off site) and to report this data to the MPA;
- viii. Measures to control light spill and glare from any construction floodlighting and security lighting installed;
- ix. A Dust Management Plan (DMP) including suppression, mitigation and avoidance measures to control; The DMP shall be produced in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the assessment of dust from demolition and construction' (2023 v2.1)', and the approved DMP shall be implemented, maintained and retained for the full duration of the construction of the development.
- x. A detailed mitigation scheme for protected species in full accordance with Condition 30.
- xi. Noise reduction measures including:
 - a. use of acoustic screens and enclosures;
 - b. the type of equipment to be used and their hours of operation;
 - c. extra noise mitigation measures to be implemented within 150 metres of the boundary with Oakhaven Hospice including:
 - minimising noisy activities within 150 meters of the hospice
 - no cutting of materials should occur within 150 meters of the hospice
 - quietest available plant should be used where possible within the 150 meter noise restriction zone and where noisier plant is required, acoustic shields should be implemented where possible
 - prior notification, where possible, to the hospice when noisy works are planned to allow hospice management to prepare for noise impacts.

The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction. The development shall only be carried out in accordance with the CEMP so approved.

Reasons: 1. To protect the amenity of residents and neighbouring residential properties, and to ensure that protected wildlife is

not harmed during the construction phase of the development in accordance Policies DP2 and SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

2. To prevent any disturbance to overwintering birds.

Environmental protection – Radon

24. No development shall take place until a risk assessment incorporating the details of associated monitoring at the site for the presence of radon gas has first been submitted to and approved in writing by the Local Planning Authority. If the presence of radon gas above 200 Bq/m³ is confirmed during the development all work shall cease in the affected area. Details of a comprehensive scheme of radon gas protection measures shall then be submitted and approved in writing by the Local Planning Authority.

Development shall only re-commence in the affected area once the gas protection measures have been approved in writing and the development shall be carried out in accordance with the approved details.

Reason: To ensure that risks from ground gases and land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

Works and Protected Species (Wading Birds and Brent Geese)

25. In respect of the Solent and Southampton Water SPA and Ramsar sites and supporting habitat, construction noise within the application site should be kept below 69dBA max either alone or in combination with other developments (measured at the sensitive receptor which is the nearest point of the SPA/Ramsar or supporting habitat), or works timed so that they do not coincide with the bird overwintering period (i.e. October to March inclusive).

No development shall take place between 1st October and 31st March inclusive unless a detailed mitigation scheme to minimise the impact of construction activities on Solent waders and brent goose sites has been submitted to and approved in writing by the local planning authority. These details shall form part of the Construction Environmental Management Plan (CEMP).

Development shall be implemented in accordance with the approved mitigation scheme.

Reason: To protect local biodiversity and protected species including overwintering birds during the course of development in accordance with Policy SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

Protected Species and Lighting

26. Prior to the commencement of the development, details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The details, which shall comply with the recommendations of the Institution of Lighting Professionals (ILP) 'Guidance Notes for the Reduction of Obtrusive Light' (GN01:2021), shall take account of bats / other ecological receptors and shall include a "sensitive lighting design strategy for biodiversity" in line with BCT / ILP Guidance Note 08/23 'Bats and artificial lighting at night' (or subsequent updated guidance) for all areas to be lit. A revised and updated Lighting Strategy Plan for the application site detailing the lighting scheme and predicted light levels shall be submitted to and been approved in writing by the Local Planning Authority.

The strategy shall:

- i) identify those areas/features on site that are particularly sensitive for bats (or other ecological receptors) and that are likely to cause disturbance in or around their breeding sites and resting places or along important commuting routes used to access key areas of their territory, for example, for foraging; and
- ii) show how and where external lighting will be installed (through the provision of appropriate lighting contour (lux) plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places and that dark corridors will be maintained. All external lighting shall be installed in full accordance with the specifications and locations set out in the approved strategy / details, and these shall be maintained thereafter in accordance with the strategy.

Reasons: 1. To safeguard both residential amenities and ecological interests / protected species.

2. In order to safeguard the amenities and safety of residential occupiers.

Biodiversity Net Gain: Monitoring and Management Plan

27. Prior to commencement of development, the details of a biodiversity net gain package of on-site (supplemented if necessary off-site of BNG) in a Biodiversity Net Gain Monitoring and Management Plan covering a period of 30 years from commencement of each development phase - shall be submitted to, and approved in writing by, the LPA. This package, whether on or off site or a combination of the two, should secure the identified 10% BNG arising from the development and include:

- i. An updated calculation of the number of biodiversity units required to provide a 10% BNG in accordance with DEFRA Biodiversity Metric Calculation July 2021 (or a metric based on the latest guidance);
- ii. If offsetting is needed the details of the BNG project including its location;
- iii. A timetable for the provision of the BNG project;
- iv. Details of the management of the BNG project;
- v. Details of the future monitoring of the BNG project in perpetuity. The BNG package as approved shall be provided prior to the occupation

of the penultimate dwelling on the site and thereafter retained as such; and vi. Written confirmation that the required number of offsetting BNG units had been secured.

The BNG monitoring report should be produced by a suitably qualified and experienced Ecologist and shall include the following for the target habitats:

- a) Credentials of the ecologist undertaking the monitoring;
- b) Assessment of habitats against the objectives and target condition defined in the management plan / assessment;
- c) Habitat type, extent and condition;
- d) Any presence recorded of target species;
- e) Date stamped photos accompanied by detailed site notes on extent of growth and condition using indicators in the management plan with any other notes of interest;
- f) If the target species /habitat is not present, provide detailed site notes on factors that are / could hinder growth or establishment;
- g) Detailed specific recommendations (where appropriate) on management actions to promote growth / establishment of target species / habitats including timescales for undertaking actions and marked site plans to show the actions;
- h) Photographs from the fixed monitoring points detailed in the management plan using high quality images

Reason: To ensure Biodiversity Net Gain is secured as part of the development and in accordance with Policy SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

Badger Survey

28. Prior to the commencement of any construction work on site, an updated badger survey shall be undertaken by a suitably qualified and experienced ecologist, and a Method Statement for Badgers during Construction shall be submitted to the Local Planning Authority for written approval. The development shall be carried out in full accordance with the approved Method Statement.

Reason: To protect local biodiversity and protected species during the course of Development and in accordance with Policy SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

Construction Ecological Management Plan (CEcMP)

29. Prior to the commencement of development including any site clearance or site set up works a Construction Ecological Management Plan (CEcMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEcMP shall include the following details:

- i. Updated ecological surveys, where necessary, to identify shifts in the ecological baseline condition as required (such as to support EPS derogation licence applications) in order that revised impact avoidance and mitigation measures can be adopted as required; and

ii. Mitigation measures to protect and mitigate against harmful construction impacts on protected wildlife species as set out in the Ecological Impact Assessment, EcoSupport (February 2025).

This includes (but not limited to):

- Avoidance of works during bird nesting (March to August inclusive) or only in accordance with an agreed mitigation plan to reduce any impact;
- Sensitive Lighting Strategy for Bats (Condition 32)
- The identification of a suitable reptile receptor area on site, the subsequent management of this area to maintain and increase its suitability for reptiles and then capture and relocate any reptiles within the wider site into this area;
- Full Dormice mitigation strategy as outlined in the Ecological Impact Assessment.

The development shall be carried out in accordance with the approved CEcMP

Reason: To protect local biodiversity and protected species during the course of Development and in accordance with Policy SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

Biodiversity Mitigation and Enhancement Plan

30. Prior to commencement of development a detailed Biodiversity Mitigation and Enhancement Plan including site plans showing the exact location within the application site of each feature for the placement of the wildlife enhancements set out in the Ecological Impact Assessment, EcoSupport, February 2025.

This includes the installation of a number of ecological enhancements including bat boxes, bird boxes, hibernacula, hedgehog highways, dormouse bridges etc.

Reason: To ensure that biodiversity enhancement measures are delivered throughout the development; and to ensure that a key aspect of sustainability is delivered in accordance with Policy SP6 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

Off-site Highway Works

31. No part of the development shall commence until such time as the highway works shown in principle on the submitted drawings have been approved and agreed through a Section 278 Design Check.

Reason: In the interests of highway safety and in accordance with Policy DP2 of the New Forest National Park Local Plan 2016-2036 (August 2019).

Informative(s):

1. The planning permission does not authorise the undertaking of any works within the highway (carriageway, footway or verge) or works

outside of the application site. Any works within the highway must be approved by S278 Agreements, details of which can be found at: <https://www.hants.gov.uk/transport/developers/constructionstandards>.

