

## NOTICE OF MEETING

**Meeting:** CABINET

**Date and Time:** WEDNESDAY, 4 SEPTEMBER 2019, AT 10.00 AM\*

**Place:** COUNCIL CHAMBER, APPLETREE COURT,  
LYNDHURST

**Telephone enquiries to:** Lyndhurst (023) 8028 5000  
023 8028 5588 - ask for Matt Wisdom  
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### **PUBLIC PARTICIPATION:**

\*Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the Cabinet's terms of reference which are not on the public agenda; and/or
  - (b) on individual items on the public agenda, when the Chairman calls that item.
- Speeches may not exceed three minutes. Anyone wishing to speak should contact the name and number shown above.

**Bob Jackson**  
Chief Executive

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**This Agenda is also available on audio tape, in Braille, large print and digital format**

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## AGENDA

### **Apologies**

#### **1. MINUTES**

To confirm the minutes of the meeting held on 7 August 2019 as a correct record.

#### **2. DECLARATIONS OF INTERESTS**

To note any declarations of interests made by members in connection with an agenda item. The nature of the interest must also be specified.

**Members are asked to discuss any possible interests with Democratic Services prior to the meeting.**

- 3. PUBLIC PARTICIPATION**  
To note any issues raised during the public participation period.
- 4. STRATEGY FOR COASTAL FUNDING** (Pages 1 - 36)  
To consider the Council's strategy for developing Coast Protection Investment Plans.
- 5. FINANCIAL MONITORING REPORT** (Pages 37 - 42)  
To consider an update on the 2019/20 General Fund, Capital and Housing Revenue Account budgets.
- 6. HYTHE AND DIBDEN NEIGHBOURHOOD DEVELOPMENT PLAN - EXAMINER'S REPORT** (Pages 43 - 174)  
To consider the modifications recommended by the Examiner and to recommend to Full Council that the Neighbourhood Development Plan should proceed to a local referendum.
- 7. BREXIT FUNDING FOR COUNCILS AND THE DESIGNATION OF A BREXIT LEAD OFFICER** (Pages 175 - 180)  
To receive an update on the Council's preparations for Brexit.
- 8. HEALTH AND LEISURE REVIEW - EXPRESSIONS OF INTEREST PHASE** (Pages 181 - 204)  
To receive an update on the Expressions of Interest Phase of the Council's Health and Leisure Review.
- 9. POSITION STATEMENT ON NUTRIENT NEUTRAL DEVELOPMENT** (Pages 205 - 218)  
To consider the Interim Nitrate Mitigation Solution for the District.

To:

<b>Councillors</b>	<b>Councillors</b>
Diane Andrews	Jeremy Heron
Jill Cleary	Alison Hoare
Michael Harris	Barry Rickman (Chairman)
Edward Heron (Vice-Chairman)	Mark Steele

## STRATEGY FOR COASTAL FUNDING

### 1. RECOMMENDATIONS

It is recommended that the Cabinet:

- 1.1 Approve the report for “Funding for Flood & Coastal Erosion Risk Managements Projects” (Appendix 1) and this be adopted as the NFDC strategy for developing coast protection Investment Plans.
- 1.2 Approve that the Coastal Team commence work on developing the Investment Plans for the identified projects.

### 2. INTRODUCTION

- 2.1 The way that Flood and Coastal Erosion Risk Management (FCERM) projects are funded has changed, with there being a greater reliance on partnership funding to support the delivery of any such project.
- 2.2 This report identifies options available to New Forest District Council to secure partnership funding to support and finance future coastal protection schemes along the New Forest District Council coastline.
- 2.3 This report introduces the proposed development of an ‘Investment Strategy’ for each project.
- 2.4 The Investment Strategy will facilitate the Council with an agreed process to achieve the necessary ‘Partnership Funding’ investment for future NFDC Flood and Coastal Erosion Risk Management projects, under the current funding arrangements.
- 2.5 Both Environment Overview Panel and Executive Management Team are in support of this approach.

### 3. BACKGROUND

- 3.1 The Government Department for Environment, Food and Rural Affairs (Defra) has the overall national responsibility for policy on FCERM Projects in England, providing central government funding to the Environment Agency (EA) to allocate Flood Defence Grant-in-Aid (FDGiA) to applicable projects.
- 3.2 Following changes to the way in which government funding for FCERM Projects is allocated, there is now more emphasis on securing additional investment contributions from those who will benefit from a Project through ‘Partnership Funding’. This is to ensure that government funding (FDGiA) for FCERM can stretch further, and enable a greater number of projects to be undertaken.
- 3.3 Within the New Forest district, FCERM projects have been identified at Hurst Spit, Milford-on-Sea & Barton-on-Sea. These projects all have a relatively low benefit to cost ratio, and are not eligible for full government funding. In order to prepare an

approved business case for these projects, and bridge the 'funding gap' it will be vital to secure additional investment contributions towards the cost of the project.

- 3.4 In order to identify a suitable way forward to enable the identified projects to progress a Task & Finish Group was established to consider and recommend a suitable approach to deliver partnership funding.

#### **4. TASK & FINISH GROUP (FINDINGS REPORT)**

- 4.1 The Task & Finish Group explored a variety of sources of information in order to establish the options available to the Council. This is summarised in the report.
- 4.2 Due to the relatively low benefit-cost ratio of the three NFDC projects the report identifies that 'Partnership Funding' will need to be secured in order to 'unlock' central government funding (FDGiA).
- 4.3 The report identifies that there are a number of potential sources of investment contributions (partnership funding) for FCERM, these are presented as a long list of options.
- 4.4 The report determined that by identifying and securing investment through external contributions and 'partnership funding investment', a project is more likely to get to the final milestone of delivery. As such, contributions from external sources are essential for FCERM projects, especially for those projects which do not achieve a high partnership funding Score (as is the case for the NFDC FCERM projects).
- 4.5 In addition to external sources, the report also identified that demonstrating local government commitment and backing for local projects was a key element to any bid and formed a key part of business case development.

#### **5. FLOOD AND COASTAL EROSION RISK MANAGEMENT FCERM INVESTMENT STRATEGY (NFDC FCERM INVESTMENT STRATEGY)**

- 5.1 The proposed NFDC FCERM Investment Strategy is designed as a plan to achieve the overall aim, which is to secure the necessary investment to facilitate NFDC FCERM Projects.
- 5.2 The Investment Strategy will empower NFDC to be able to borrow funds through one or more of the identified investment contribution options. This will enable access to funding at an early stage and thus demonstrate the Council's investment commitment, providing a key assurance into the business case development of each FCERM project.
- 5.3 Prior to any financial commitment, as part of the Investment Strategy each project will need to develop a **FCERM Investment Plan** which will set out key information on all aspects of the project to include, project details, benefits and beneficiaries, level of partnership investment requirement, investment sources / secured investment and community engagement.
- 5.4 As the Investment Plan is developed and partnership funding is identified the Plan will feed back into the business case, demonstrating the financial commitment. With the Investment Plan in place it will significantly improve the prospects for both scheme approval and for unlocking central government funding FDGiA.

- 5.5 In order for the Investment Plan to be approved it will need to detail any repayment plans for any selected partnership funding options that involve a financial element. This would demonstrate considerable backing and commitment from the Council providing maximum potential to enable central government funds to be unlocked and the scheme to gain final approval.
- 5.6 The Investment Strategy uses a 5-stage guide (model) to set out the structure of the Strategy in terms of the necessary approval stages and what information is necessary for the process to advance, together with the two way interaction with the development of the business case towards the final outcome (scheme approval).

## **6. CONCLUSIONS**

- 6.1 Available options to the Council have been identified that may be used to secure the required investment contributions to bridge the anticipated funding gaps. The report recognises the need to commit to a suitable 'Strategy' to facilitate the Council with an agreed process to achieve the necessary 'Partnership Funding' investment for future NFDC Flood and Coastal Erosion Risk Management projects, under the current funding arrangements.
- 6.2 The report for "Funding for Flood & Coastal Erosion Risk Managements Projects" has been considered by both Environment Overview & Scrutiny Panel and Executive Management Team. Both confirmed the acceptance of the Report and recognised the need for work to progress on developing Partnership Investment Plans for the identified projects.
- 6.3 Environment Panel and EMT recognise that a significant challenge will lie in identifying how contributions may be allocated across the district and that this will be determined through the development of each Investment Plan. The risks and benefits of each project will be identified and used to identify potential contributors and partners and the level of required contribution.
- 6.4 In developing the Investment Plans stakeholder engagement will be required with Town & Parish Councils to gain their support to the projects and identified funding approach. Community engagement has been identified as a key requirement in gaining the support, "buy-in" and momentum for developing the projects.
- 6.5 The EA is currently consulting on a new document that has a vision of having "a nation ready for, and resilient to, flooding and coastal change – today, tomorrow and to the year 2100." This is the "Draft National Flood and Coastal Erosion Risk Management Strategy for England."
- 6.6 The consultation document will consider funding and financing from new sources to invest in resilience to flooding and coastal change, with the emphasis of this being driven by Risk Management Authorities. The development of this strategy will further inform the NFDC FCERM Investment Strategy.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 It will be necessary for the Council to consider FCERM project bids as part of its annual budget setting. The value of this investment will be guided by the Investment Plan (i.e. the level of investment from all other available sources).

7.2 It is clear that in order to be able to progress the NFDC schemes that some form of investment will be required. However, until Investment Plans are developed and refined it is not possible to put a figure on the level of potential borrowing or partnership funding that will be required.

7.3 In determining the preferred investment option consideration will need to be given to potential repayment plans and the length of the repayment terms.

## **8. CRIME & DISORDER IMPLICATIONS**

8.1 There are none.

## **9. ENVIRONMENTAL IMPLICATIONS**

9.1 As the Coastal Protection Authority managing and protecting our coastline is an important part of the Council's coastal responsibilities as set out under the Coast Protection Act. The key aim is to reduce the risk of coastal flooding and erosion to people, the developed and natural environment by encouraging the provision of technically, environmentally and economically sustainable coastal protection measures.

## **10. EQUALITY & DIVERSITY IMPLICATIONS**

10.1 There are none.

## **11. PORTFOLIO HOLDER'S COMMENTS**

11.1 I fully support this report; we have 40 miles of coast line within the New Forest District. It is important that we have a transparent process to identify suitable funding sources and partners to protect, enhance and ensure that our beautiful coastline is resilient to future flood and coastal erosion risk and enabling our coastal communications to be better protected and adaptable to future coastal change.

11.2 I would like to thank the Task and Finish Group, chaired by Cllr Fran Carpenter; and all officers involved in the development of our new strategy for funding flood and coastal erosion Risk Management Projects.

For further information contact:

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Coastal Projects Engineer  
023 8028 5588  
[Peter.ferguson@nfdc.gov.uk](mailto:Peter.ferguson@nfdc.gov.uk)

Background Papers & Web Links (accessible July 2018):

**Defra (2011)** Flood and Coastal Resilience Partnership Funding- Defra Policy statement on an outcome-focused partnership approach to funding flood and coastal erosion risk management [gov.uk/government/uploads/system/uploads/attachment\\_data/file/221094/pb13896-flood-coastal-resilience-policy.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/221094/pb13896-flood-coastal-resilience-policy.pdf)

**Defra (2011b)** Flood and Coastal Resilience Partnership Funding: An Introductory Guide.  
[gov.uk/government/publications/flood-and-coastal-resilience-partnership-funding-an-introductory-guide](http://gov.uk/government/publications/flood-and-coastal-resilience-partnership-funding-an-introductory-guide)

**Defra (2017)** Central Government Funding for Flood and Coastal Erosion Risk Management in England  
[gov.uk/government/uploads/system/uploads/attachment\\_data/file/648198/1.FCERM\\_Funding\\_MASTER\\_2017v2.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/648198/1.FCERM_Funding_MASTER_2017v2.pdf)

**East Anglian Coastal Group (2014)** Partnership Funding  
[eacg.org.uk/default\\_partnership\\_funding.asp](http://eacg.org.uk/default_partnership_funding.asp)

**Environment Agency (2014a)** Calculate Grant in Aid funding for Flood and Coastal Erosion Risk Management Projects- Guidance for Risk Management Authorities.  
[gov.uk/government/uploads/system/uploads/attachment\\_data/file/297377/LIT\\_9142\\_dd8bbe.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/297377/LIT_9142_dd8bbe.pdf)

**Environment Agency (2014b)** Archived pages on Partnership Funding.  
[webarchive.nationalarchives.gov.uk/20140328100213/http://www.environment-agency.gov.uk/research/planning/134732.aspx](http://webarchive.nationalarchives.gov.uk/20140328100213/http://www.environment-agency.gov.uk/research/planning/134732.aspx)

**Environment Agency (2014c)** Flood and Coastal Erosion Risk Management Outcome Measures  
[gov.uk/government/uploads/system/uploads/attachment\\_data/file/389952/FCERM\\_outcome\\_measures\\_Q2\\_2014\\_15\\_External.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/389952/FCERM_outcome_measures_Q2_2014_15_External.pdf)

**Environment Agency (2016)** Grant Memorandum April 2016  
[gov.uk/government/uploads/system/uploads/attachment\\_data/file/516680/LIT\\_10458.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/516680/LIT_10458.pdf)

**Environment Agency (2018)** Grant Memorandum June 2018  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718477/Memorandum-relating-to-capital-grants-for-local-authorities-and-internal-drainage-boards-in-England-2018.docx](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718477/Memorandum-relating-to-capital-grants-for-local-authorities-and-internal-drainage-boards-in-England-2018.docx)

**GOV.UK (2017)** Guidance- Submit your flood and coastal erosion risk management project proposal  
[gov.uk/guidance/flood-and-coastal-defence-funding-submit-a-project](http://gov.uk/guidance/flood-and-coastal-defence-funding-submit-a-project)

**GOV.UK (2018)** Policy paper - 25 Year Environment Plan  
[gov.uk/government/publications/25-year-environment-plan](http://gov.uk/government/publications/25-year-environment-plan)

**House of Commons (2017)** Flood Risk Management and Funding, Briefing Paper CBP07514  
[researchbriefings.files.parliament.uk/documents/CBP-7514/CBP-7514.pdf](http://researchbriefings.files.parliament.uk/documents/CBP-7514/CBP-7514.pdf)

**Parliament (2013)** Funding for Flood Risk Management  
[publications.parliament.uk/pa/cm201314/cmselect/cmenvfru/330/33005.htm](http://publications.parliament.uk/pa/cm201314/cmselect/cmenvfru/330/33005.htm)

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# Funding for Flood and Coastal Erosion Risk Management Projects

Findings and Recommendations of the New Forest District Council Task and Finish Group



<b>Project</b>	Funding for Flood and Coastal Erosion Risk Management Projects Findings and Recommendations of the New Forest District Council Task and Finish Group
<b>Author</b>	New Forest District Council
<b>Version</b>	Version 7 (AUG 2019)- Final for Cabinet

# Funding for Flood and Coastal Erosion Risk Management Projects

Findings and Recommendations of the New Forest District Council Task and Finish Group

## Executive Summary

Within the New Forest District, three Flood and Coastal Erosion Risk Management Projects (FCERM) have been identified. All these projects have a relatively low benefit to cost ratio. This means that under current FCERM guidance, none would be eligible for full funding via Central Government Grant in Aid (GiA). Central Government funding will, therefore, only be available for a proportion of the scheme. In order to bridge the ‘funding gap’ and to ‘unlock GiA’, these projects will all require additional investment.

It is recognised that in order to receive the necessary level of funding for FCERM projects, New Forest District Council will need to raise the additional funds to support and finance any future coastal protection scheme along New Forest District Council coastline. In order to identify a suitable way forward for FCERM projects within the district to progress, a **Task and Finish Group** was set up by New Forest District Council (NFDC).

This report presents the findings and recommendations from the Task and Finish Group. Within the Report it proposes that the **Flood and Coastal Erosion Risk Management Investment Strategy** is approved by New Forest District Council. The proposed Investment Strategy will identify ‘partnerships’ and investment options to secure financial contributions from these partners in order to facilitate repayment of any NFDC investment. The Investment Strategy will also enable NFDC with an agreed process to achieve the necessary ‘Partnership Funding’ investment for future NFDC Flood and Coastal Erosion Risk Management projects, under the current funding arrangements.

## The Task and Finish Group

The Task and Finish Group was set up by New Forest District Council to explore a variety of information sources in order to establish the options available to the Council. This was summarised in this Report which presents the findings to the Council together with the recommendation to approve the FCERM Investment Strategy.

The Task & Finish Group was comprised of NFDC Councillors and Officers from NFDC Coastal Group:

NFDC Councillors:		NFDC Officers:
Cllr Geoffrey Blunden	Cllr Neil Tungate	Steve Cook
Cllr Fran Carpenter	Cllr Allan Glass	Peter Ferguson
Cllr Goff Beck	Cllr John Olliff-Cooper	Lauren Burt
Cllr Steve Clarke	Cllr Anna Rostand	

## The Task and Finish Report

This report presents the proposed Investment Strategy, as part of the findings and recommendations of the Task and Finish Group. The report is split into three key sections:

**SECTION A** provides background information about the government funding allocation process and introduces the concept of 'partnership funding'.

**SECTION B** presents potential sources of investment contributions (partnership funding) for FCERM as a long list of options; i.e. *who* can potentially invest in an FCERM project. The list is not exhaustive, and is in no particular order. Information presented is provided to assist identification the preferred investment option(s) for FCERM projects.

**SECTION C** draws attention to future capital FCERM projects within the New Forest District and proposes the recommended Investment Strategy to be adopted in order to secure government funding for these projects and allow progression of each Business Case towards approval.

It is recognised that some sources of investment contributions are only available over longer timescales. This could significantly delay projects in the New Forest district which would have to wait until all contributions had been accumulated, before the project was approved. The proposed Investment Strategy presented in this report aims to combat this issue through NFDC investment, so that investment contributions are available at an earlier stage, thus unlocking government funding sooner.

In order for NFDC to borrow funds, each project will require an agreed Partnership Investment Plan to be in place which sets out the project's costs and benefits, preferred investment sources and how the borrowed funds will be repaid in the short and long term. Upon adoption of the Investment Strategy, preparation of each Partnership Investment Plan will take place in conjunction with preparation of each project's Business Case. As the Business Case develops, detailed information will be released to support the Partnership Investment Plan, increasing momentum and investment potential which compliments the Business Case in return.

The Task and Finish group acknowledge that the content of this report is technical in nature; however conscious efforts have been made to ensure that full explanation is provided throughout.

## Acknowledgements

The Task and Finish group have explored a variety of sources of information, and have acknowledged these independent sources in the first instance.

## Updates and Revisions

The content of this document was up to date at the time of publishing. The content of this report is subject to change in response to changes in the underlying Government policy, budgets and funding sources. Future versions of this report will be released where necessary. The Government committed to revise the current National FCERM Strategy in its 25 Year Environment Plan and as such future changes to FCERM policy and funding are anticipated later during 2019.

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## SECTION A- Funding for FCERM

### A1] Introduction

The way that Flood and Coastal Erosion Risk Management (FCERM) projects are funded has changed. In May 2011, a new DEFRA Policy Statement was introduced which set out plans to control how government funds are allocated. Projects are now either fully-funded or part-funded based on the benefits that the project will deliver. This new approach requires project costs to be shared between national and local funding sources using a 'Partnership Funding' concept. There is now more emphasis on securing additional investment contributions from those who will benefit from the project through 'partnership funding'. This is to ensure that government funding for FCERM can stretch further, and enable a greater number of projects to be undertaken.

The proportion of each source of funding is dependent on each project and the benefits delivered. This section provides further information on how the proportions are calculated and the reasons for the shift in funding allocation.

### A2] Government Funding for FCERM

The Government Department for Environment, Food and Rural Affairs (Defra) has the overall national responsibility for policy on FCERM in England. The department provides central government funding for FCERM to the Environment Agency (EA) to spend directly on FCERM through allocation of Flood Defence Grant-in-Aid (FDGiA).

From April 2012, the Environment Agency has operated the 'Flood and Coastal Erosion Resilience Partnership Funding' model, a new scheme for allocating funding to specific projects. This model emerged as a result of a "Defra policy statement" published in May 2011. The statement entitled "*Flood and Coastal Resilience Partnership Funding*" set out the "Defra policy statement on an outcome-focused partnership approach to funding flood and coastal erosion risk management".

The DEFRA Policy Statement (2011) was introduced to ensure that Government funding can meet the needs of any 'worthwhile scheme', spreading the funding further and prioritising projects with the most benefits. It was envisaged that more projects are likely to go ahead using 'partnership funding' than under the previous 'all or nothing' funding model.

In summary, the reformed model for funding allocation has been introduced to:

- Allow more projects/schemes to go ahead
- Give communities more say in what is done to protect them
- Encourage local contribution and investment in flood defence and coastal protection schemes
- Relate funding levels directly to the number of households protected, damages prevented and other benefits delivered.
- Maintain healthy ecosystems as well as offset any habitats that are lost when defences are built (to protect people and property). Habitats themselves often help to reduce the risk for flooding and erosion.

Local Authorities can continue to apply for Government funding for FCERM in the form of FDGiA for the following projects which:

- Build/improve new flood and coastal defences such as walls or embankments
- Benefit wildlife and protect habitats
- Dredge and de-silt (i.e. maintenance dredging)
- Beach management works (i.e. recharge, replenishment, recycling and renourishment works)
- Develop a strategy to reduce flood or coastal erosion risks across several connected areas and projects that support this strategy.
- Fund a study which supports any of the projects listed above. The study proposal must include estimates of the project's costs, benefits and partnership funding score.
- Regional Coastal Monitoring Programmes

In order to apply for FDGiA funding, a **Business Case** proposal is submitted to the Environment Agency for consideration. Typically this uses the 5-case business model and is split in to 3 stages (Strategic Outline Case (**SOC**), Outline Business Case (**OBC**) & Full Business Case (**FBC**)). The Business Case sets out the justification for the project such as the identified risk, the options, the benefits, the funding score and stakeholder engagement. The Business Case must also include sources of secured partnership funding, such as contributions etc. The Business Case may be led by the Council or the Environment Agency or working in partnership. At present, each project must be part of the Environment Agency's 6 year investment programme (April 2015-2021) to be eligible for FDGiA funding. Applications are made by the local risk management authorities to ensure a project is part of the programme. Any projects which are to be delivered beyond 2021 are currently under review.

Due to the introduction of the Flood and Coastal Erosion Resilience Partnership Funding Model, each project application is now assessed and scored based on the benefits that the project will deliver. This score determines the amount of FDGiA that each project may be eligible for.

As a result, there has been a shift in the method of securing funding for FCERM projects. A project is no longer likely to be fully funded by the Government, and as such additional alternative investment sources are necessary before a project can go ahead, especially where projects are not able to deliver the most benefits.

**NOTE:** the Government committed to revise the current National FCERM Strategy in its 25 Year Environment Plan and as such future changes to FCERM policy and funding are anticipated in 2019. It is not yet known how this will impact future FCERM projects; however, it is likely to continue themes of sustainability and collaboration.

*Information Sources: East Anglian Coastal Group (2014), Environment Agency (2014, 2014b, 2016, 2018) House of Commons (2017), Parliament (2013) and Defra (2011, 2011b, 2017) and GOV.UK (2017, 2018).*

## A3] Partnership Investment Contributions for FCERM

As mentioned previously, under the 'Flood and Coastal Erosion Resilience Partnership Funding' model, the amount of FDGiA allocated to a project is dependent on the cost of the project and the benefits that a project provides. These benefits are now assessed in the form of 'Outcome Measures'.

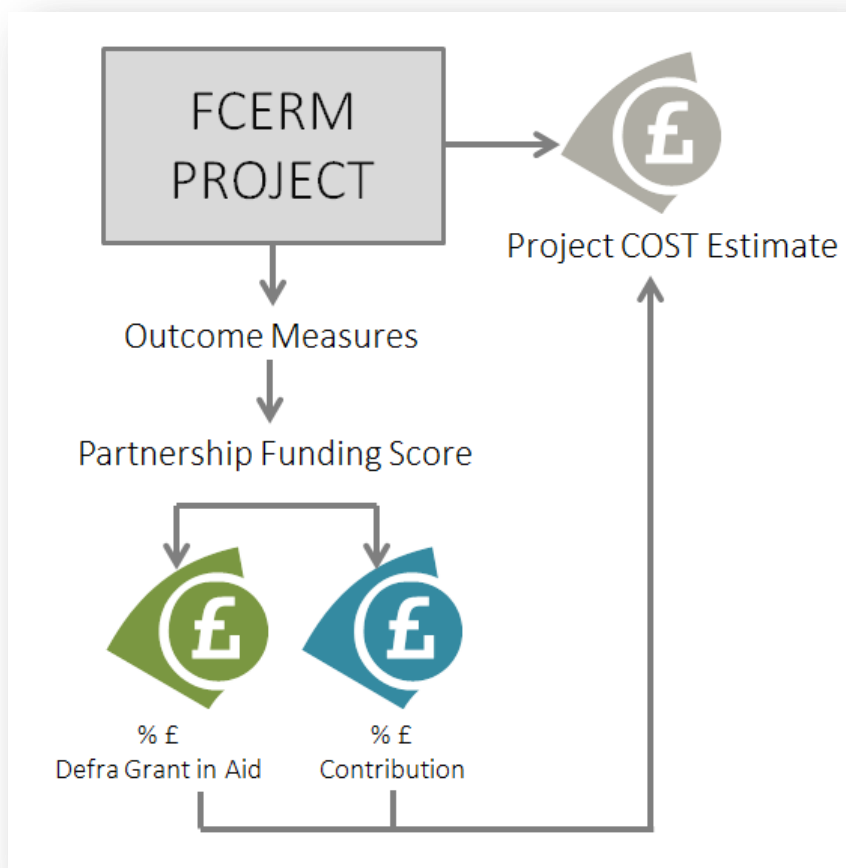
The outcome measures were refreshed in April 2011 in preparation for the Defra Policy Statement (2011) and are subject to change. Local Authorities can make contributions to measures 1-4, with the Environment Agency holding overall responsibility to deliver and report on all measures, with targets set annually.

Outcome measures are set by Defra to ensure that the EA and other Risk Management Authorities (RMA's) achieve the aims of the government FCERM policy. There are 4 outcome measures which cover:

- OM1 **Economic Benefits**  
(The average benefit to cost ratio across the capital programme based on present value whole life costs and benefits).
- OM2 **Households at flood risk**  
(Number of households better protected from flooding as a result of FCERM projects)
- OM3 **Household at erosion risk**  
(Number of households better protected from coastal erosion as a result of FCERM projects)
- OM4 **Water Framework Directive**  
(Area of habitat created, improved or protected under the EU Habitats or Birds Directives).

The outcome measures for each project are then inputted to the ‘Partnership Funding Calculator’ to determine how much FCERM GiA a project is eligible for, through allocation of a ‘Partnership Funding Score’ (PF Score). The OM’s are weighted so that projects which deliver the highest benefit to cost ratio whilst reducing flood or erosion risk to more properties are scored higher. The PF Score also determines the proportion of external partnership investment contributions required.

*Information Sources: Environment Agency (2014a & 2014c).*



**Figure 1** (left) is a schematic which shows how the project outcome measures impact the partnership funding score directly, dictating the proportion of FDGiA eligibility and therefore additional partnership investment contributions required to meet project costs.

As previously mentioned, the ‘Partnership Funding Calculator’ is a tool to determine how much FDGiA a project is eligible for through calculation of a ‘Partnership Funding Score’ or PF Score. In the ideal situation, a project would receive a high score (100% or more is possible).



A high PF score indicates that the project has a high benefit to cost ratio and should therefore be eligible for a higher proportion of Government FDGiA. These projects are prioritised as they will deliver the highest amount of OM's.

**NOTE:** Projects with a high PF score (>100%) may also be invited to source a proportion of financial contributions to the project if these are available as it would result in efficiency savings and reduce the amount of FDGiA required for that project (and make this available for other projects). At present, Defra has set targets of an overall average efficiency saving of 10%, and partnership funding contribution of 15% towards all projects.

A low PF score indicates that the project has a low benefit to cost ratio and is therefore not eligible for a large proportion of Government FDGiA to cover the project costs. These projects will need to secure a higher proportion of additional partnership investment contributions towards the project to unlock any FDGiA that they are eligible for.

Initially the PF score is provided as a 'raw' score based on cost/benefit analysis. This can be updated and improved over time to provide an 'adjusted' score. There are various methods for improving the PF score including:

- Reducing estimated project costs (considering alternative options)
- Securing more investment contributions in advance
- Selecting project options that improve areas of habitat protected under the EU Habitat and Bird Directives, including creation of new habitat
- Changing the scope or extent of the project (to a larger or smaller project)

Furthermore the following could also have implications for PF scores:

- Changes to the OM's (possible due to changes in FCERM policy anticipated in 2019)
- Changes to the FCERM GiA budget which could lead to a lower threshold required to unlock GiA
- Changes to weighting of OM's in favour of projects which utilise natural flood management

## A4] The Importance of Partnership Funding Investment

There are a variety of benefits of working in partnership to fund local FCERM projects. It is considered that partnership funding investment can provide the opportunity for communities to appreciate the following benefits of FCERM projects:

- Increased flood protection through better protection of properties from flood risk and coastal erosion
- Land and property value could benefit from the decreased flood and erosion risk.
- Attraction of investment to boost the local economy
- Enable local decision-making and involvement
- Fostering trust and co-operation between various partners including local residents and stakeholders
- Opportunity for discussion and raising of issues and ideas
- Raising awareness and resilience to flood risk and coastal erosion
- Increased flood protection could result in improved access to flood insurance for households and businesses
- Social and economic benefits include increased community involvement, wellbeing and investment attraction.

Additional benefits include:

- Local investment can unlock other government funding
- Taxpayer money can be spread further if costs can be saved from FCERM scheme delivery.
- Draw more funds, skills, knowledge and resources

*Information Sources: East Anglian Coastal Group (2014) and Environment Agency (2014a).*

In order to secure partnership funding and in turn unlock Government FDGiA funding, moving towards delivery of a FCERM project, the following key milestones are likely to be required (Figure 2):

1	2	3	4	4	5
<b>Identify Flood and Coastal Erosion Risk</b>	<b>Identify the Solution: FCERM Project</b>	<b>Develop Business Case for Investment</b>	<b>Partnership funding</b>	<b>Apply for and Secure Grant in Aid Funding</b>	<b>Deliver FCERM Project</b>
<ul style="list-style-type: none"> <li>- Research/ Studies which provide evidence</li> <li>- Public Engagement to discuss FCERM issues</li> <li>- Calculate PF Score</li> <li>- Potential to apply for funding for further studies</li> </ul>	<ul style="list-style-type: none"> <li>- Research/ Studies</li> <li>- Public Engagement to identify solution</li> <li>- Stakeholder Engagement</li> <li>- Partner with Consultant</li> <li>- Identify potential investment sources</li> </ul>	<ul style="list-style-type: none"> <li>- Partner with Consultant</li> <li>- Partner with Environment Agency</li> <li>- Undertake development of Business Case through necessary stages</li> </ul>	<ul style="list-style-type: none"> <li>- Secure commitment from all available investment sources</li> </ul>	<ul style="list-style-type: none"> <li>- Partnership with Environment Agency to secure GiA funding</li> </ul>	<ul style="list-style-type: none"> <li>- Procure Contractor to deliver FCERM project</li> <li>- Management of Project to delivery</li> <li>- Investment complete</li> </ul>

**Figure 2-** Key milestones towards delivery of a FCERM Project

Through identifying and securing investment through external contributions and ‘Partnership Funding Investment’, a project is more likely to get to the final milestone of delivery. As such, contributions from external sources are extremely important for FCERM projects, especially for those projects which do not achieve a high PF Score.

## A5] Case Studies of Partnership Funding Investment

This section presents relevant case studies where partnership funding investment has been considered. These case studies are focused on coastal erosion and flood risk management projects (rather than risk resulting from catchment flooding and land drainage).

A summary of each project is provided, alongside key statistics such as total scheme costs (estimated where project is not yet complete), sources of investment and the project’s partnership funding score.

### **Dawlish Warren Beach Management Scheme (Environment Agency and Teignbridge District Council)**

#### **Summary**

Construction at Dawlish Warren incorporated a beach recharge (250,000m<sup>3</sup>) from nearshore dredging operations, dune stabilisation and groyne maintenance. The scheme was completed in October 2017.

#### **Key Statistics**

Total scheme costs £13million  
 £12.7million from FDGiA  
 £300k from Local Authority and District Council contribution (including staff time contributions in-kind).  
 Reduced risk of flooding to 2900 properties  
 Partnership Funding score: (HIGH) 120%

[gov.uk/government/publications/dawlish-warren-beach-management-scheme/dawlish-warren-beach-management-scheme](http://gov.uk/government/publications/dawlish-warren-beach-management-scheme/dawlish-warren-beach-management-scheme)

## **Bacton to Walcott Coastal Management Scheme (Coastal Partnership East and North Norfolk District Council)**

### **Summary**

A scheme is being undertaken to manage flood and coastal erosion risk to the Bacton Gas Terminal and neighbouring coastal communities. The preferred option is to pump sand from an offshore source onto the coast in a process called 'Sandscaping'. This will increase beach levels and in turn protect existing defences.

This scheme is a key example of a private-public partnership, as the FDGiA funding contributions only reflect the benefits to the local communities rather than the gas terminal with regards to reduction in flood and erosion risk. As a result, the project costs are met with a large private investment contribution.

This scheme is currently at Outline Business Case (OBC) stage (July 2018).

[north-norfolk.gov.uk/media/3371/bacton-to-walcott-public-information-booklet-july-2017.pdf](http://north-norfolk.gov.uk/media/3371/bacton-to-walcott-public-information-booklet-july-2017.pdf)

[north-norfolk.gov.uk/media/4300/bacton-to-walcott-outline-business-case.pdf](http://north-norfolk.gov.uk/media/4300/bacton-to-walcott-outline-business-case.pdf)

### **Key Statistics** (June 2018)

Total scheme costs (estimated) £18 million

FDGiA Contribution £3.4 million

North Norfolk District Council (£500k), Local Levy (£500k), National Natural Flood Management Fund (£120k).

Private Investment Contribution (Bacton Gas Terminal, Local Enterprise Partnership, Business Rates Pool, Local Community) £14.5 million

Reduced flood risk to 68 properties, reduced erosion risk to 298 properties.

Partnership Funding score [RAW] (LOW) 19%

Adjusted PF Score (with contributions) 105%

## A6] Section A References

### Web Links (accessible July 2018\*).

**Defra (2011)** Flood and Coastal Resilience Partnership Funding- Defra Policy statement on an outcome-focused partnership approach to funding flood and coastal erosion risk management  
[gov.uk/government/uploads/system/uploads/attachment\\_data/file/221094/pb13896-flood-coastal-resilience-policy.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/221094/pb13896-flood-coastal-resilience-policy.pdf)

**Defra (2011b)** Flood and Coastal Resilience Partnership Funding: An Introductory Guide.  
[gov.uk/government/publications/flood-and-coastal-resilience-partnership-funding-an-introductory-guide](http://gov.uk/government/publications/flood-and-coastal-resilience-partnership-funding-an-introductory-guide)

**Defra (2017)** Central Government Funding for Flood and Coastal Erosion Risk Management in England  
[gov.uk/government/uploads/system/uploads/attachment\\_data/file/648198/1.FCERM\\_Funding\\_MASTER\\_2017v2.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/648198/1.FCERM_Funding_MASTER_2017v2.pdf)

**East Anglian Coastal Group (2014)** Partnership Funding  
[eacg.org.uk/default\\_partnership\\_funding.asp](http://eacg.org.uk/default_partnership_funding.asp)

**Environment Agency (2014a)** Calculate Grant in Aid funding for Flood and Coastal Erosion Risk Management Projects- Guidance for Risk Management Authorities.  
[gov.uk/government/uploads/system/uploads/attachment\\_data/file/297377/LIT\\_9142\\_dd8bbe.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/297377/LIT_9142_dd8bbe.pdf)

**Environment Agency (2014b)** Archived pages on Partnership Funding.  
[webarchive.nationalarchives.gov.uk/20140328100213/http://www.environment-agency.gov.uk/research/planning/134732.aspx](http://webarchive.nationalarchives.gov.uk/20140328100213/http://www.environment-agency.gov.uk/research/planning/134732.aspx)

**Environment Agency (2014c)** Flood and Coastal Erosion Risk Management Outcome Measures  
[gov.uk/government/uploads/system/uploads/attachment\\_data/file/389952/FCERM\\_outcome\\_measures\\_Q2\\_2014\\_15\\_External.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/389952/FCERM_outcome_measures_Q2_2014_15_External.pdf)

**Environment Agency (2016)** Grant Memorandum April 2016  
[gov.uk/government/uploads/system/uploads/attachment\\_data/file/516680/LIT\\_10458.pdf](http://gov.uk/government/uploads/system/uploads/attachment_data/file/516680/LIT_10458.pdf)

**Environment Agency (2018)** Grant Memorandum June 2018  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/718477/Memorandum-relating-to-capital-grants-for-local-authorities-and-internal-drainage-boards-in-England-2018.docx](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718477/Memorandum-relating-to-capital-grants-for-local-authorities-and-internal-drainage-boards-in-England-2018.docx)

**GOV.UK (2017)** Guidance- Submit your flood and coastal erosion risk management project proposal  
[gov.uk/guidance/flood-and-coastal-defence-funding-submit-a-project](http://gov.uk/guidance/flood-and-coastal-defence-funding-submit-a-project)

**GOV.UK (2018)** Policy paper - 25 Year Environment Plan  
[gov.uk/government/publications/25-year-environment-plan](http://gov.uk/government/publications/25-year-environment-plan)

**House of Commons (2017)** Flood Risk Management and Funding, Briefing Paper CBP07514  
[researchbriefings.files.parliament.uk/documents/CBP-7514/CBP-7514.pdf](http://researchbriefings.files.parliament.uk/documents/CBP-7514/CBP-7514.pdf)

**Parliament (2013)** Funding for Flood Risk Management  
[publications.parliament.uk/pa/cm201314/cmselect/cmenvfru/330/33005.htm](http://publications.parliament.uk/pa/cm201314/cmselect/cmenvfru/330/33005.htm)

**\*Please note that some hyperlinks may not work, please copy/paste link to your web browser.**

## SECTION B- Investment Contributions for FCERM

### B1] Introduction

This section builds upon Section A, and aims to present potential sources of partnership funding contributions (investment contributions) for FCERM in a long list of options; i.e. *who* could invest in an FCERM project.

The list is not exhaustive, and is in no particular order. All relevant information is provided to enable future discussions which are required to identify the preferred option for each FCERM project.

There are various factors which influence potential sources of contributions for FCERM, and as such the following considerations should be made before selecting the preferred options for investment:

- Over time, it is expected that sources will change, as new ones emerge and old sources expire. Since the inception of 'partnership funding' there have been various investment opportunities which have since expired and as such these have been omitted from this document.
- It is expected that there may be changes to the underlying policy behind partnership funding, with the chance that further regulations can be introduced at any time.
- The requirements for investment may vary spatially, between districts and individual projects.
- The scale of the project will impact the requirements for partnership funding investment. For example; FCERM projects which widen in scope to a series of interlinking defences could increase the area receiving flood risk benefits whilst attracting a larger number of partnership funding sources.
- All options should be considered when planning FCERM schemes to identify the best to take forward.
- The timescale between FCERM project inception and delivery may also impact the availability of partnership funding investment opportunities. Opportunities and budgets for various sources vary over time, in addition to project costs, and therefore should be evaluated carefully.
- The ability to form strong partnerships is also the key for success in securing partnership funding investment. This can be achieved through selecting partners who share similar objectives.
- Early engagement with potential partners is highly recommended, so that all options are explored in advance.

Information which is relevant to the New Forest District Council FCERM projects is also provided in these information boxes. Each option is assessed in terms of relevance, suitability, availability and achievability.

## B2] Potential Investment Contribution Options for FCERM Projects

### Option 1- Borrowing

This option is for NFDC to invest in the scheme and is proposed as it could potentially release funding quickly for use as an immediate contribution towards a FCERM project. Internal Borrowing, repayable through 'Minimum Revenue Provision' repayments or long term, low interest loans could provide finance repayable over longer periods of time.

Annually, New Forest District Council sets key prudential indicators, including a total debt level. At present, there is sufficient headroom within the current prescribed limit, should it be necessary to utilise external borrowing. The Council is currently targeting investment activities in order to generate key sources of new income in order to support the delivery of frontline services, and is looking to utilise borrowing to assist in financing these activities.

### Option 2- Council Tax Increase

This option is proposed as a potential long term source of contributions towards FCERM projects. Further work to establish the amount that this option could yield will be required. Use of Special Expense council tax contributions could also be explored, to establish whether certain locations would have a higher weighting (for example those areas most at risk could contribute more to their local project, as they will benefit the most from it).

The Council is already forecasting Council Tax increases over the medium term, to support the delivery of a balanced budget, in the face of central government funding reductions. Special expenses are not currently used by NFDC, but could be a viable option, if it is felt reasonable to levy additional precepts from those areas more immediately impacted by specific FCERM projects.

### Option 3- District Council Contributions

Funding from Local Authorities is discretionary and therefore funding for FCERM projects has to compete with a wide range of other priorities. Projects which support the priorities of a Council will strengthen a bid, such as economic development and regeneration, highways, rights of way and coastal protection budgets. Projects which demonstrate that investment in FCERM will result in a multitude of benefits can also be proposed.

For example, North Norfolk District Council has committed £500,000 towards the construction of the Bacton to Walcott Sandscaping Scheme (£20M) in 2017:[north-norfolk.gov.uk/news/2017/bacton-to-walcott-development-agreement-signed/](http://north-norfolk.gov.uk/news/2017/bacton-to-walcott-development-agreement-signed/)

NFDC could consider FCERM project bids as part of its annual budget setting, the same as it does with any other capital project. A policy decision would be required, as to whether the expenditure would give rise to Minimum Revenue Provision repayments (internal borrowing), or accepted that the expenditure reduces the Council's Capital reserves.

### Option 4- Parish and Town Council Contributions

There is potential for Parish and Town Councils to raise a precept towards contributions for FCERM funding, and this approach has been explored by various Councils. Funds may not be specifically ring fenced for FCERM use and may be used for other priorities.

Parishes within the New Forest District could explore the possibility of expenditure of parish precepts on FCERM projects, especially where a project will be of benefit to their community. Parish and Town Councils will also have a

key role in community engagement, building momentum for community investment in a local FCERM project.

### Option 5- Local Levy

In addition to central government funding for FCERM, the EA may raise a levy on Local Authorities (Local Levy). EA levies are subject to the approval of the relevant Regional Flood and Coastal Committee (RFCC). RFCCs are composed of a chair appointed by the Secretary of State, members appointed by LLFAs and independent members with relevant experience appointed by the EA.

Local Levy is used to support locally important projects which may require additional financial support to make them viable at a national scale. Local Levy may also be used to fully fund relatively inexpensive, small scale FCERM projects and studies. These studies may be used to inform future FCERM projects. Furthermore, there is potential funding available for applications which request specialist staff to support FCERM projects.

As an example, the Eastern RFCC has committed £500,000 towards the Bacton to Walcott Sandscaping Scheme (£20M) through Local Levy (2017). For further information: [north-norfolk.gov.uk/news/2017/bacton-to-walcott-development-agreement-signed/](http://north-norfolk.gov.uk/news/2017/bacton-to-walcott-development-agreement-signed/)

New Forest District Council is part of the Southern Regional Flood and Coastal Committee. The Southern RFCC has agreed that Local Levy should be used to deliver projects with the greatest benefits (OM2 and OM3). Further priority is given to smaller projects over a wide geographical extent, work which enables projects to be get 'spade ready' and projects which lead to direct risk reduction. Furthermore, it aims to ensure a mix of schemes (including those with low PF scores) which would otherwise remain unfunded without significant contributions.

NFDC is likely to seek funding from Local Levy especially where future projects meet the overarching requirements, and could also seek funding for specialist staff to support delivery of FCERM projects through Local Levy. Applications for local levy are also to be made for small scale studies which will contribute towards the Business Case for future FCERM projects.

Further information is available here: ([gov.uk/government/groups/southern-regional-flood-and-coastal-committee](http://gov.uk/government/groups/southern-regional-flood-and-coastal-committee)); [assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/723155/SRFCC\\_Meeting\\_Pack\\_-\\_July\\_2018.pdf](http://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/723155/SRFCC_Meeting_Pack_-_July_2018.pdf)

### Option 6- Ministry of Housing, Communities and Local Government (MHCLG)

The Ministry of Housing, Communities and Local Government (formerly Department for Communities and Local Government) currently has a variety of policies in place to promote coastal projects.

MHCLG can delegate central government funding to Local Enterprise Partnerships (LEP) in the form of Local Growth Funds. Each LEP is then able to set up Local Growth Deal loans for particular projects (see Option 7- Local Enterprise Partnerships for more details).

The MHCLG has a policy for economic development in coastal and seaside areas, which has seen the launch of funding for restoration of coastal landmarks within the UK. This Coastal Revival Fund intends to support the restoration of coastal architecture. For more information see: [gov.uk/government/publications/coastal-revival-fund-an-invitation-to-apply-for-funding](http://gov.uk/government/publications/coastal-revival-fund-an-invitation-to-apply-for-funding)

This funding is in addition to the Coastal Communities Fund, already in place to support the development of coastal communities, and creation of sustainable economic growth and jobs along the coastline (see Option 8- Coastal Communities Fund for more details).

NFDC intends to investigate all sources of funding made available through the MHCLG, and each will be assessed in terms of relevance, suitability, availability and achievability for each of the future NFDC FCERM projects.

## Option 7- Local Enterprise Partnerships

Local Enterprise Partnerships (LEP's) were established by the Department for Business across England in 2011, and now fall within the remit of the MHCLG. LEP's are voluntary partnerships between local authorities and businesses that decide what the priorities should be to kick-start infrastructure and other projects that will drive economic growth in each area. LEP's are allowed to overlap so a Local Authority may fall within more than one LEP boundary.

Further information can be found here: [lepnetwork.net/](http://lepnetwork.net/)

Central government funding is delegated to LEP's who share out the Local Growth Fund via Local Growth Deals, and allocate this money through competitive bidding in the form of loans. Bids are highly competitive and – to be successful – local enterprise partnerships need to work with partners to agree strong and accountable governance and put forward proposals that boost growth and bring in private sector funding. It is intended that the projects considered for loans will be delivered quickly, and able to repay quickly so that the funding is recycled into as many projects as possible, and deliver benefits quickly. LEP's are eligible to bid for many other sources of funding to enable investment in significant economic projects in their local area.

The Anglia Local Enterprise Partnership has recently (January 2018) been awarded £1.08M towards the £20M Bacton to Walcott Coastal Management Scheme as part of a Growth Deal. The project will also redevelop a new CEFAS centre, and secure Bacton as a vital hub in the UK's energy infrastructure. Further information can be found here: [newanglia.co.uk/project/bacton-to-walcott-coastal-management/](http://newanglia.co.uk/project/bacton-to-walcott-coastal-management/)

The New Forest Local Authority area is part of the Solent LEP area, with further information available here: [solentlep.org.uk/](http://solentlep.org.uk/).

In February 2017, the Government announced the round 3 Local Growth Funding availability for the LEP areas. For the Solent LEP, £31.02 million was allocated: [gov.uk/government/news/multi-million-pound-cash-boost-to-help-create-local-jobs-and-growth](http://gov.uk/government/news/multi-million-pound-cash-boost-to-help-create-local-jobs-and-growth).

## Option 8- Coastal Communities Fund (Big Lottery Fund)

The Coastal Communities Fund (CCF) is a UK-wide programme designed to support the economic development of coastal communities by promoting sustainable economic growth and jobs. The Big Lottery Fund is delivering the CCF on behalf of the Ministry of Housing, Communities and Local Government, with income from the Crown Estate's marine assets.

The government has already provided £174 million for 295 projects around the country since the Coastal Communities Fund was launched in 2012. This funding is forecast to deliver over 16,000 jobs and help attract over £316 million of additional funds to coastal areas. There is the possibility for use in partnership funding of FCERM schemes if it can also contribute to the goals of the Coastal Communities Fund. Funding has been awarded to schemes which increase visitor footfall, improve facilities and coastal heritage, improve coastal access, and improve habitats amongst other projects.

The UK Government announced in 2015 that the CCF was to be extended to 2021 with at least £90m of new funding available for the period 2017/18 to 2020/21. Applications for the latest round (5) closed in April 2018. In September 2017, the Coastal Communities Minister confirmed that the fifth round of funding for 2019 to 2021 will provide at least £40 million to help coastal areas in England further transform their economies and boost jobs in their local area.



For further information please visit: [biglotteryfund.org.uk/funding/programmes/coastal-communities-fund](http://biglotteryfund.org.uk/funding/programmes/coastal-communities-fund); [gov.uk/government/collections/coastal-communities-fund](http://gov.uk/government/collections/coastal-communities-fund); [gov.uk/government/publications/coastal-communities-fund-round-5](http://gov.uk/government/publications/coastal-communities-fund-round-5); [gov.uk/government/news/40-million-to-create-jobs-and-boost-visitors-to-the-great-british-coast](http://gov.uk/government/news/40-million-to-create-jobs-and-boost-visitors-to-the-great-british-coast)

New Forest District Council has not been in a position to apply for previous rounds of the Coastal Communities Fund. Applications required support from existing coastal economic plans, and would have benefited from the formation of a Coastal Community Team (although this is not a necessity). There is not currently a Coastal Community Team (see Option 9- Coastal Communities Alliance). Future availability of this source of funding is not yet guaranteed, however it is likely to be a viable option if future rounds are released beyond 2021.

### **Option 9- Coastal Communities Alliance (Coastal Community Teams)**

The National Coastal Communities Alliance is a partnership of coastal Local Authorities, coastal organisations and individuals with an interest in coastal matters. Lincolnshire County Council formed the National Coastal Communities Alliance, and has an established relationship with the MHCLG to develop the Coastal Communities Fund. There is no subscription to participate in the CCA.

Partners are requested to provide intelligence on the development of specific coastal activities and campaigns. Partners may also be requested/offer to lead on a specific coastal issue where they have the expertise and/or where the issue is a particular local concern, such as renewables, flood risk, deprivation and health. For further information please visit: [coastalcommunities.co.uk/about-us/](http://coastalcommunities.co.uk/about-us/).

The Coastal Communities Alliance coordinates the Coastal Communities Team (CCT) programme. A Coastal Community Team is a local partnership consisting of the local authority and a range of people and business interests from a coastal community who have an understanding of the issues facing that area and can develop an effective forward strategy for that place. The Team should include a range of local stakeholders and have broad support. Teams can establish their own priorities.

Initially, Coastal Community Teams were eligible to apply for a £10,000 grant to develop and progress plans, however this is not currently available. Once a Team is established, they are able to apply for the Coastal Communities Fund and Coastal Revival Fund. For further information on Coastal Community Teams please visit: [coastalcommunities.co.uk/coastal-community-teams/](http://coastalcommunities.co.uk/coastal-community-teams/). A full list of existing Coastal Community Teams is available here: [coastalcommunities.co.uk/wp-content/uploads/2015/12/CCT-Map-1.pdf](http://coastalcommunities.co.uk/wp-content/uploads/2015/12/CCT-Map-1.pdf).

The New Forest District does not yet have a Coastal Community Team set up, however this Task and Finish Group would strongly recommend that one is established. A CCT could provide a multitude of benefits, including the ability to engage with local coastal communities about local FCERM projects and create shared objectives for the future of our coastal communities. With local support, future FCERM projects are likely to attract greater investment in the future.

Funding could be sought to enable the development of a Coastal Community Team, for example through Lottery Funding. The National Lottery currently has applications for 'Partnership' funding grants and 'Reaching Communities England'. Further enquiries are required to assess availability and suitability when applying to create a Coastal Community Team.

For more information see: [biglotteryfund.org.uk/funding/programmes/partnerships-england#section-1](http://biglotteryfund.org.uk/funding/programmes/partnerships-england#section-1) and [biglotteryfund.org.uk/funding/programmes/reaching-communities-england](http://biglotteryfund.org.uk/funding/programmes/reaching-communities-england)

## Option 10- Sources Available to the Environment Agency

The Environment Agency is also able to raise other income from outside of central Government including Internal Drainage Board precepts, general drainage charges and sales of assets. These sources may only apply to Environment Agency FCERM assets.

Further enquiries are required with the local Environment Agency Partnership and Strategic Overview team to assess availability and suitability of other funding sources available to the Environment Agency.

Following the 2016 Autumn Statement, Defra announced £15 million of government funding for Natural Flood Management (NFM) schemes across England, and awarded to 24 projects in 2017. £1m of funding was also set aside for an 'open competition' for community projects, which was launched in March 2017 and distributed between 34 projects. There is a higher proportion of funding awarded to fluvial and ground/surface water projects rather than coastal. It is not clear whether there will be future rounds of funding available. For further information please visit: <https://www.catchmentbasedapproach.org/resources/tools-and-casestudies/deliver/nfm>.

The Bacton to Walcott Sand Engine project in partnership with North Norfolk District Council was awarded £120,000 from the Natural Flood Management Fund (2017) - [north-norfolk.gov.uk/news/2017/bacton-to-walcott-development-agreement-signed/](http://north-norfolk.gov.uk/news/2017/bacton-to-walcott-development-agreement-signed/).

NFDC Coastal schemes that utilise natural flood management methods (such as beach recharge) will be in a good position to apply for any future Natural Flood Management Funds as they become available. If further rounds are announced, then it is recommended to apply where the project meets the aims of the NFM programme.

## Option 11- Drainage Charges and Special Levies

Funding for FCERM may also be available to Internal Drainage Boards and Local Authorities through drainage charges and special levies. Drainage charges are collected from agricultural land and buildings within the Internal Drainage District (IDD). Special Levies are issued on District and Unitary Authorities within the IDD. For more information see [ada.org.uk/member\\_type/idbs/](http://ada.org.uk/member_type/idbs/)

Further enquiries are required to assess availability and suitability of funding from drainage charges and special levies.

## Option 12- Private Sector, Leisure and Tourism

There are a range of private sector businesses which would benefit from local FCERM projects such as businesses related to tourism, leisure and retail. For example; marinas, port/harbour authorities and watersports activities can all be dependent on coastal protection schemes which provide shelter from extreme wave and water levels.

To encourage private sector investment into FCERM projects, the 2014 Autumn Statement announced changes regarding business contributions to coastal erosion works, making them tax deductible (2015 Finance Act). Through contributing to schemes, businesses pay less corporation or income tax. The Government expects that this will encourage private sector contributions to FCERM projects. It is estimated that 15% of partnership funding could be sourced from private sources. For further information see [legislation.gov.uk/ukpga/2015/11/schedule/5/enacted](http://legislation.gov.uk/ukpga/2015/11/schedule/5/enacted) and [researchbriefings.files.parliament.uk/documents/CBP-7514/CBP-7514.pdf](http://researchbriefings.files.parliament.uk/documents/CBP-7514/CBP-7514.pdf)).

It is recommended that further assessment of the potential for private sector investment in FCERM projects in the New Forest district is required, especially where businesses benefit directly or indirectly from these projects. (Private marinas, boat mooring areas, water sport activity centres and tourist attractions).

### Option 13- Utility, Transport and Infrastructure

A range of utility assets are located at the coastline, and can include gas pipelines/terminals, water reservoirs, electrical cables/substations and power stations. In general, where a FCERM project is required to protect these assets the Utility companies are invited to contribute to the project.

The Bacton to Walcott scheme is being undertaken to manage flood and coastal erosion risk to the Bacton Gas Terminal and neighbouring communities in North Norfolk. It is anticipated that the operators of the Bacton Gas Terminal will contribute a large proportion of the total scheme costs as there are relatively few properties which will benefit from the FCERM scheme.

The coastline is also a significant location for transport infrastructure such as road, rail, airports, and port and ferry terminals. These locations often rely heavily on protection from FCERM projects and in general, operators will be invited to contribute to these projects.

A full survey of utility assets will be conducted in advance of any FCERM scheme in the New Forest district. It is recommended that further assessment of the potential for contribution from utility companies is conducted especially where assets are protected directly or indirectly by FCERM projects.

A number of transport and infrastructure assets are located along the New Forest coastline, including ferry and train terminals (Lymington). Again, these are expected to be assessed further in terms of potential for investment contribution to FCERM projects.

### Option 14- Land Owners and Developers

Land owners are generally responsible for managing their own flood risk; however there may be occasions where they benefit from large scale FCERM projects. Through engagement with local land owners and developments, contributions and investment in FCERM projects could be secured.

The West Wittering Tidal Flood Defence project is a key example of the success of community engagement and contributions. The community raised £650,000 towards the £1.7million project (Parish Council, Residents Association and Landowner) to enable the project to go ahead, providing a better level of flood protection to 55 properties in 2012. See [gov.uk/government/publications/west-wittering-tidal-flood-defences/west-wittering-tidal-flood-defences](http://gov.uk/government/publications/west-wittering-tidal-flood-defences/west-wittering-tidal-flood-defences) for more information.

Any new property developments (post 2012) are subject to planning restrictions (such as flood risk assessments) before approval. As such these properties are excluded from the benefit/cost calculator as they should not be at risk of flooding. Planning authorities can include the requirement for flood risk mitigation measures (at the developer's expense) to protect the property if approved. These developers will not be expected to contribute towards other FCERM projects unless there are mutual benefits (such as links to neighbouring projects to create a larger project partnership). See [gov.uk/guidance/flood-risk-assessment-in-flood-zones-2-and-3](http://gov.uk/guidance/flood-risk-assessment-in-flood-zones-2-and-3) for more information.

The Community Infrastructure Levy (the 'levy') is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of an area. The levy may be payable on development which creates net additional floor space however some exemptions apply. Landowners are ultimately liable for the levy, but anyone involved in a development may take on the liability to pay. The levy could be used for a variety of infrastructure sectors including flood defence. Flexibility is provided to each charging authority to decide which infrastructure sector to invest in (as part of a Regulation 123 List). See [gov.uk/guidance/community-infrastructure-levy#spending-the-levy](http://gov.uk/guidance/community-infrastructure-levy#spending-the-levy) for more information.

There are large areas of privately owned land along the New Forest District coastline. All landowners will be consulted in advance of any FCERM project, and it is recommended that further assessment of the potential for contribution is conducted, especially where land assets are protected directly or indirectly by FCERM projects.

It is also recommended that use of the New Forest District Council Community Infrastructure Levy might be considered for FCERM projects, especially where the FCERM project improves coastal flood defence infrastructure. At present the NFDC Regulation 123 list currently prioritises use of CIL on Habitat Mitigation (creation of new alternative areas of natural green space, improvements to existing open space and improvements to recreational walking routes) however there is potential to explore use of CIL in FCERM projects. For more information see [newforest.gov.uk/CIL](http://newforest.gov.uk/CIL)

### Option 15- EU Funding

Due to the outcome of the 2016 EU referendum, it is unlikely that funding sources from the EU will remain available in the future. Where EU funding has been used to contribute to projects through partnership funding contributions, it has been suggested that arrangements will remain in place until Brexit is finalised. In general, sources of funding from the EU in recent years have been infrequent for use in FCERM scheme delivery. Further information can be found here: [researchbriefings.files.parliament.uk/documents/CBP-7514/CBP-7514.pdf](http://researchbriefings.files.parliament.uk/documents/CBP-7514/CBP-7514.pdf)

The European Structural and Investment Fund (ESIF) focuses on facilitation of economic growth, and has resulted in an allocation of three specific funding streams including the European Social Fund (ESF), European Regional Development Fund (ERDF) and European Agriculture fund for Rural Development (EAFRD).

The ERDF has been in use in FCERM schemes such as the Willerby and Derringham Flood Alleviation Scheme in 2014-16 (£7.9 million FDGiA and £6.6 million ERDG administered by DCLG to reduce flood risk to 8000 properties).

Further information on the availability of ERDF is available here: [gov.uk/european-structural-investment-funds?keywords=Enterprise+M3&fund\\_state%5B%5D=open](http://gov.uk/european-structural-investment-funds?keywords=Enterprise+M3&fund_state%5B%5D=open) and via each Local Enterprise Partnership website.

It is unlikely that EU Funding will be available for NFDC FCERM schemes

### Option 16- Donations, Crowdfunding and Online Media

Crowdfunding is becoming an increasingly viable option as a source of funding for FCERM schemes whereby donors are invited to use crowdfunding websites to donate to a cause. The success of the crowdfunding relies on effective public engagement and advertising of the fundraiser. Successful use of online media such as dedicated websites and social media pages have also worked well to facilitate greater public interaction and understanding in their local FCERM projects.

North Norfolk District Council have set up a JustGiving crowdfunding page for their current Bacton to Walcott FCERM Project, with a target total of £25,000 ([justgiving.com/crowdfunding/bactontowalcottscapings](http://justgiving.com/crowdfunding/bactontowalcottscapings))

Examples of project webpages can be found here: [north-norfolk.gov.uk/tasks/coastal-management/bacton-to-walcott-coastal-management/](http://north-norfolk.gov.uk/tasks/coastal-management/bacton-to-walcott-coastal-management/); [gov.uk/government/publications/dawlish-warren-beach-management-scheme/dawlish-warren-beach-management-scheme](http://gov.uk/government/publications/dawlish-warren-beach-management-scheme/dawlish-warren-beach-management-scheme); [facebook.com/DawlishWarrenBMS/](https://facebook.com/DawlishWarrenBMS/); [southseacoastalscheme.org.uk/](http://southseacoastalscheme.org.uk/)

Traditional donations are also welcomed towards any FCERM scheme and may be donated by local interest groups, visitors, businesses and residents. A successful example of raising partnership contributions through donations can be

seen for the West Wittering FCERM scheme (2012) where £650,000 was raised through contributions from the Parish Council, local residents association and West Wittering Estate landowner.

A community may also look to hold a community fundraising activity to raise donations towards a local FCERM scheme. A donation box has been installed at Sidmouth, Devon (April 2017). Accompanied by an information board, the scheme is explained alongside the need for partnership contributions: [devonlive.com/news/devon-news/](https://devonlive.com/news/devon-news/)

At present, information about coastal protection at NFDC can be found here: [newforest.gov.uk/coastal](https://newforest.gov.uk/coastal)

It is recommended that a dedicated website is created, making best use of social media to facilitate greater public interaction and understanding for the NFDC local FCERM projects.

There is also merit in crowdfunding websites as an option to raise contributions from local interested parties and to boost community engagement and participation in the project.

### **Option 17- Other Government Agencies / Public Bodies**

Partnership funding contributions may be sought from other agencies/public bodies especially where they will benefit from a FCERM project. Through working with special interest groups such as Natural England, Historic England and the Maritime and Coastguard Agency, these important stakeholders can be engaged with at an early stage and working partnerships can be formed.

Natural England is an executive non-departmental public body sponsored by DEFRA. It is responsible for ensuring that England's natural environment is protected and improved. It also has a responsibility to help the public to enjoy, understand and access the natural environment. Natural England will be consulted for any FCERM project which could impact protected areas of natural environment. Natural England is able to award grants for the management of the natural environment to promote its conservation and enhancement subject to application. For further information please visit: [gov.uk/government/organisations/natural-england](https://gov.uk/government/organisations/natural-england).

Historic England is an executive non-departmental public body sponsored by the Department for Digital, Culture, Media and Sport. It inherits English Heritage's position as the UK government's statutory adviser and a statutory consultee on all aspects of the historic environment and its heritage assets. This includes archaeology on land and under water, historic buildings sites and areas, designated landscapes and the historic elements of the wider landscape. FCERM projects can pose both risks and opportunities for coastal heritage sites and Historic England will be consulted for any project proposal. Historic England can provide grant schemes for the protection and management of historic places subject to application.

For Further information please visit: [historicengland.org.uk/advice/planning/marine-planning/rczas-reports/](https://historicengland.org.uk/advice/planning/marine-planning/rczas-reports/), [historicengland.org.uk/services-skills/grants/our-grant-schemes/](https://historicengland.org.uk/services-skills/grants/our-grant-schemes/) and [historicengland.org.uk/services-skills/grants/our-priorities/](https://historicengland.org.uk/services-skills/grants/our-priorities/).

There are 10 National Parks in the UK and each is looked after by its own authority. Each authority is an independent body funded by central government to conserve and enhance the natural beauty wildlife and cultural heritage of the National Park and promote opportunities for the understanding and enjoyment of the Park by the public. Where the coastline forms part of a National Park, the local National Park Authority (NPA) will be consulted for any FCERM project. The NPA may wish to be involved as FCERM project stakeholders and contributors, especially where they benefit from an FCERM project. For further information please visit: [nationalparks.gov.uk/about-us](https://nationalparks.gov.uk/about-us).

A full list of agencies and public bodies can be found here: [gov.uk/government/organisations](https://gov.uk/government/organisations).

The NFDC coastline is highly designated for environmental protection purposes. Proposed FCERM projects will look to continue to provide protection to coastal habitats and species, and enhance these where possible. There are also a number of coastal heritage sites such as Hurst Castle which also rely on protection from flood risk and coastal erosion.

The NFDC coastline forms part of the New Forest National Park, looked after by the New Forest National Park Authority (NFNPA). The coastline is a key attraction for visitors to the New Forest National Park. For further information please visit: [newforestnpa.gov.uk/](http://newforestnpa.gov.uk/).

The NFNPA has established the 'Green Halo Partnership' to encourage economic development which promotes best practice in enhancing natural capital and ecosystem services in and around the National Park.

Further information can be found here: [enterprisem3.org.uk/news/green-halo-partnership-launched-ensure-business-and-environment-thrive](http://enterprisem3.org.uk/news/green-halo-partnership-launched-ensure-business-and-environment-thrive) and [newforestnpa.gov.uk/greenhalo](http://newforestnpa.gov.uk/greenhalo)

It is likely that future FCERM projects will work closely with a range of public bodies as key stakeholders. Further enquiries are required to assess availability and suitability of funding from other agencies and public bodies.

## Option 18- Charities

There are various charitable organisations who may wish to be involved as FCERM project stakeholders and contributors (via discretionary funds), especially where they benefit from an FCERM project.

The Royal Society for the Protection of Birds (RSPB) is the country's largest nature conservation charity, working to promote the conservation and protection of birds and the wider environment through public awareness campaigns and the operation of nature reserves. These nature reserves are frequently located along the coastline, and many are experiencing increased flood risk and coastal erosion. Where FCERM projects provide increased flood protection to nature reserves, a contribution may be sought to maintain these nature reserves. There may also be opportunities for FCERM projects to improve or create additional coastal habitats through managed realignment or natural management processes. This has additional social benefits through boosting of natural capital, health and wellbeing and community engagement. For further information please visit: [rspb.org.uk/about-the-rspb/](http://rspb.org.uk/about-the-rspb/).

English Heritage is a charity that manages and operates the National Heritage Collection, a collection of England's historic buildings, monuments and sites. English Heritage is funded by self-generated income, government funding and a one off capital grant. As a charity, investment is returned back into the heritage sites to ensure public access for the future. For Further information please visit: [english-heritage.org.uk/](http://english-heritage.org.uk/).

The National Trust is a charity that works to preserve and protect historic places and spaces. The National Trust are Britain's largest coastal landowner and Europe's largest conservation organisation. Through charging for coastal car parks, this income is used for management and conservation of the local coastal area. For further information please visit: [nationaltrust.org.uk/coastline](http://nationaltrust.org.uk/coastline).

Future FCERM schemes will work closely with local charities such as the RSPB, as there are various nature reserves located along the NFDC coastline which benefit from FCERM. Further enquiries are required to assess availability and suitability of funding from local charitable organisations.

## Option 19- Landfill Communities Fund (LCF)

The Landfill Communities Fund (LCF) is an innovative tax credit scheme enabling operators of landfill sites in England, Northern Ireland and Wales to contribute money to organisations enrolled with ENTRUST as Environmental Bodies (EBs). It might be possible that there are Landfill Operators (LOs) who will give landfill tax money directly to local

projects. While many LOs take part in the Landfill Communities Fund (LCF), not all do. Not all LOs are potential sources of funding for projects. The only way to find out is to contact them and ask. For further information please visit: [entrust.org.uk/landfill-community-fund](https://entrust.org.uk/landfill-community-fund) and [entrust.org.uk/landfill-community-fund/finding-funding/landfill-operators-as-direct-funders](https://entrust.org.uk/landfill-community-fund/finding-funding/landfill-operators-as-direct-funders).

There are landfill sites along the NFDC coastline currently protected by FCERM including the Lower Farm Landfill, Manor Farm Landfill Site and Transfer Facility, and the Efford Landfill site. In addition, a non-operational historic landfill site is located near Lower Pennington. Further enquiries are required to assess availability and suitability of funding from the Landfill Communities Fund.

## SECTION C- Partnership Funding for NFDC FCERM Projects

Section C draws attention to future capital FCERM projects within the New Forest District and proposes the recommended Investment Strategy to be adopted in order to secure government funding for these projects and allow progression of each Business Case towards approval

### C1] NFDC FCERM Projects

This section introduces future Flood and Coastal Erosion Risk Management Capital Projects within the New Forest District. Initial project scoping (based on estimated project costs, and likely benefits) suggests that these projects will be dependent on partnership funding and additional investment, due to the low 'raw PF' score that they afford.

**NOTE:** Guidance on each project's costs, benefits and timeline for delivery is not provided here as there is a high degree of uncertainty at this early stage. It is understood that this information is highly desirable as it helps to understand the 'funding gap' which needs to be met through partnership working and investment, however as this information is subject to change the decision has been made to avoid estimation until the information is available with a suitable degree of certainty.

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#### **Hurst to Lymington (New Forest District Council, Environment Agency, JBA)**

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##### **Summary**

A project is required to reduce coastal flood risk along the frontage between Milford-on-Sea and Lymington, focusing on future management of Hurst Spit and the flood embankment between Milford-on-Sea and Lymington.

The volume of beach material on Hurst Spit has been declining naturally since the last major beach recharge scheme in 1996/7. As a result the barrier beach is more vulnerable to damage caused by extreme storm events.

The EA flood embankment between Milford on Sea and Lymington is dependent on Hurst Spit for wave sheltering, and provides protection to a number of houses but is declining in condition.

NFDC have collaborated with the Environment Agency during these preliminary stages to create a case for change which addresses the declining standard of flood protection provided by Hurst Spit and the flood embankment (July 2018).

The next stages include studies to understand the key flood risk issues, allowing the preferred option to reduce flood risk to emerge, accompanied by more information on the project's PF score, costs and benefits.

Information will be made available here: [newforest.gov.uk/coastal](http://newforest.gov.uk/coastal)

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#### **Barton-on-Sea (New Forest District Council)**

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##### **Summary**

The cliffs at Barton on Sea are susceptible to coastal erosion and cliff top recession. A project is required to understand the future management of cliff stability, and investigate ways to improve drainage and reduce the erosion rate and reduce erosion risk to properties identified in the 2010 SMP (shoreline management plan) review. In 2010 the council secured central government funding of £300,000 to carry out ground investigations at Barton on Sea (works undertaken during winter 2012/13) including deployment of monitoring instrumentation which has continued to provide information on the behaviour of the cliffs. Further studies and investigations will be required to understand the preferred option for reducing risk, accompanied by more information on the project's PF score, costs and benefits.

Information will be made available here: [newforest.gov.uk/article/13409/Barton-on-Sea-Ground-Investigations-and-Monitoring-Works](http://newforest.gov.uk/article/13409/Barton-on-Sea-Ground-Investigations-and-Monitoring-Works)

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#### **Milford-on-Sea (New Forest District Council)**

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**Summary**

A project is required to reduce coastal flood and erosion risk along the frontage at Milford-on-Sea, focusing on future management of coastal flood defences. Further studies and investigations will be required to inform a future project here.

Information will be made available here: [newforest.gov.uk/coastal](https://newforest.gov.uk/coastal)

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## C2] Proposed Investment Strategy

### What is the problem?

Within the New Forest District, several FCERM projects have been identified. These projects all have a relatively low benefit to cost ratio, and are not eligible for full government funding. In order to prepare an approved Business Case for these projects and unlock government FDGiA funding, it will be vital to secure additional investment contributions towards the cost.

It is recognised that some sources of additional investment contributions are only available over longer timescales. This could significantly delay projects in the New Forest district, which would have to wait until all contributions had been accumulated before the project was considered for approval.

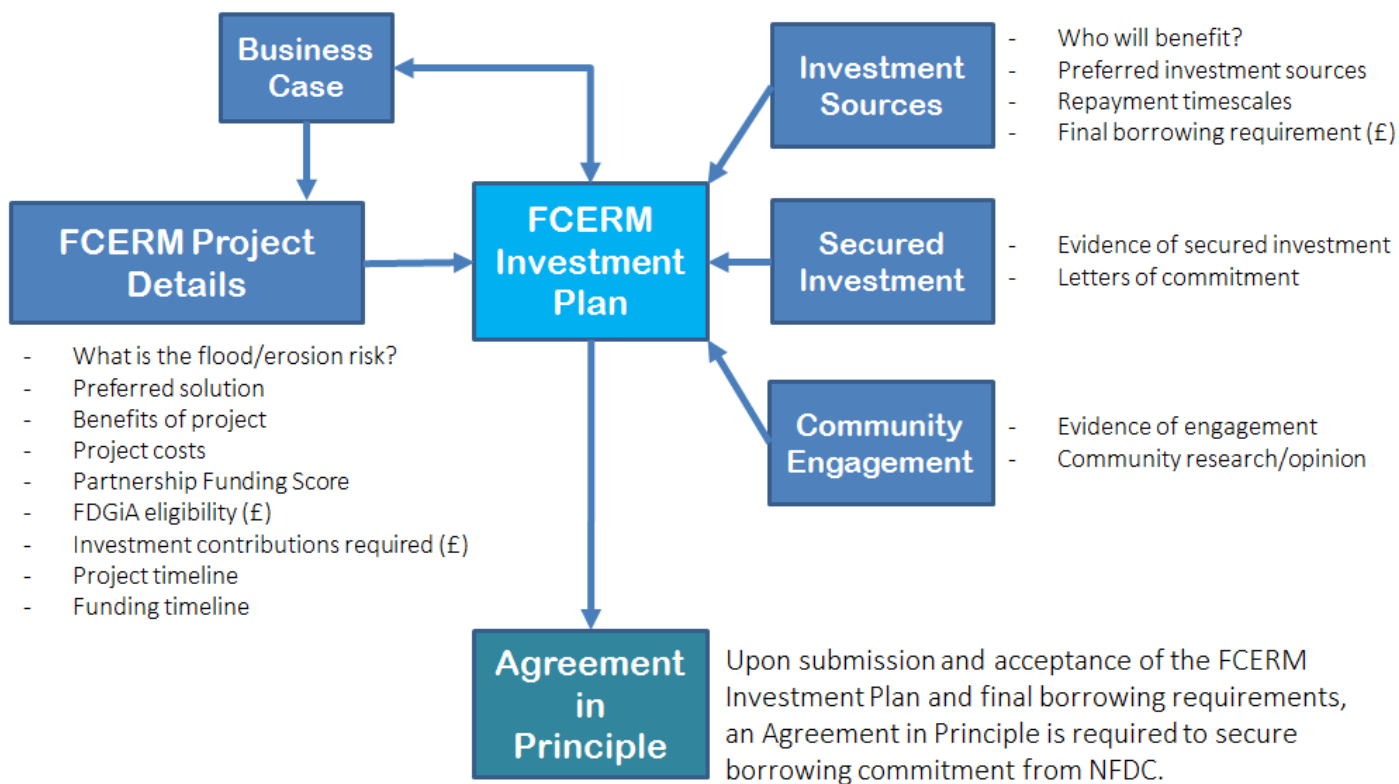
### What is the proposed solution?

The Task and Finish group propose an Investment Strategy to be managed by NFDC that aims to deliver the following outcomes:

- 1. BORROW FUNDS TOWARDS PROJECT COSTS** either internally from NFDC reserves or externally through low interest loans. If immediate access to borrowed funding is available at an early stage, this demonstrates that the Council is committed to investment in each FCERM project. In recognition of this investment commitment, FDGiA Government funding towards project costs is more likely to be allocated sooner, fast tracking the project's delivery.
- 2. REPAYMENT** of borrowed funds over longer term. It is recommended that an 'FCERM Partnership Investment Plan' is developed for each FCERM project, which sets out how the partnership investment contributions will be secured and delivered. Repayment or reduction of the initial borrowed funds through partnership investment contributions is key to the success of this funding strategy.
- 3. ATTRACT INVESTMENT CONTRIBUTIONS** Early commitment builds momentum for partnership working, and encourages further investment in the project from those who will benefit from the FCERM project. This investment will be treated as repayment for the initial borrowed funds or as a direct contribution to the scheme (reducing the amount of borrowed funds required). Those who invest are therefore able to benefit from the FCERM project sooner.

## What is included in each FCERM Partnership Investment Plan?

It is envisaged that each FCERM Partnership Investment Plan will provide the latest information on the following:



**Figure 3** – Elements which combine to inform the FCERM Partnership Investment Plan

Upon approval of the Investment Strategy, each FCERM project's **Partnership Investment Plan** will be drawn together alongside development of each project's **Business Case**. It is envisaged that the preparation of each Partnership Investment Plan will require a multidisciplinary team with an understanding of the FCERM projects technical requirements (economic, social, environmental). The Task and Finish Group propose to continue involvement into the next stage of Partnership Investment Plan preparation, so that momentum is sustained towards the goal of FCERM project delivery.

The Task and Finish Group recommend that all investment options are explored as part of the preparation phase of each project's Partnership Investment Plan (Option 1 to 19 plus any emergent options), and that further enquiries are made in terms of each option's relevance, suitability, availability and achievability for each FCERM project.

The FCERM Partnership Investment Plan will set out key information on all aspects of the project, to include project details, benefits and beneficiaries, investment requirement, investment sources, secured investment, community engagement.

In order to facilitate the development of the Partnership Investment Plan, information will need to feed in from the Business Case in the early stages of the process. Then, as the Partnership Investment Plan develops (and investment is approved by NFDC Finance Department), the Partnership Investment Plan will then feedback into the Business Case, demonstrating the financial commitment. With the Partnership Investment Plan in place this is then likely to significantly improve the prospects for both scheme approval and for unlocking central government funding FDGiA.

The Investment Strategy is a process which cannot be fully undertaken without input from the Business Case and vice-versa so the development of them is co-dependable. Figure 4, below illustrates how the Investment Strategy and the Business Case interlink, identifying the relative position of the Partnership Investment Plan within the Investment Strategy.

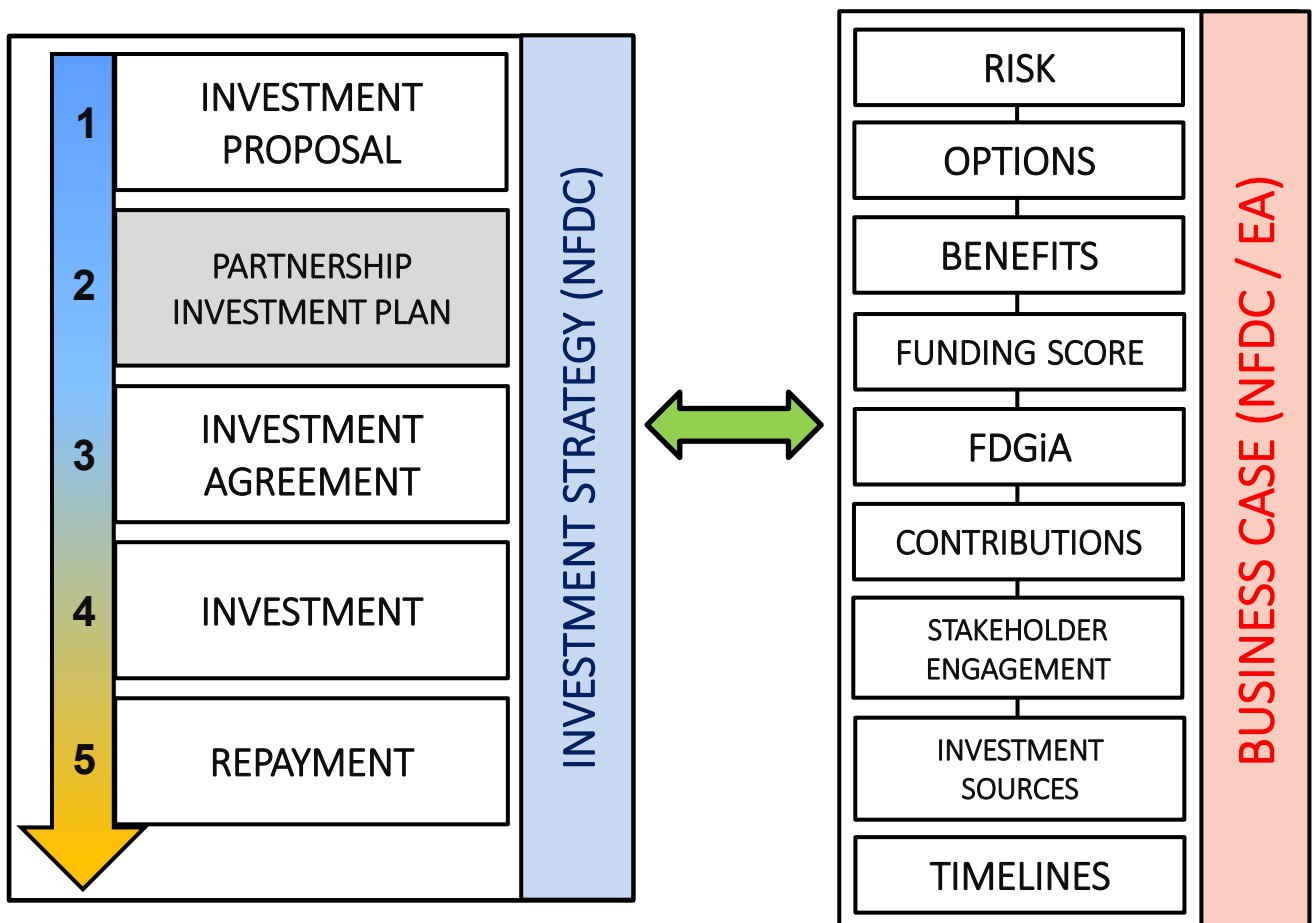


Figure 4 – Structure of Investment Strategy (Model) identifying 5-key stages

## Investment Strategy Structure and 5-stages process

The Model in Figure 4 identifies the 5 stages of the process within the Investment Strategy. The links between the Investment Strategy and the Business Case are set out as follows:

STAGES:

### 1. Investment Proposal:

The first stage of the Business Case (**SOC** stage) identifies the flood or coastal risk; the options are then considered and the benefits are assessed. This information informs the Partnership Investment Plan, with key information from which to identify necessary level of Partnership Funding (required by the project).

### 2. Partnership Investment Plan:

The information provided by the Business Case allows development of the Partnership Investment Plan as described in *Figure 3*.

The Partnership Investment Plan brings together the following key component stages:

- Identification of sources of Investment
  - Using the information provided in Section B (Investment Contributions) to carry out research into, and reporting on all potential investment opportunities available to the particular scheme.
- Engaging the Community
  - This is likely to involve publicising the scheme, undertaking stakeholder events, opinion polls etc. NOTE: Community engagement is of particular importance when if the option of considering the potential for Council Tax investment into any scheme
  - Generate interest and enthusiasm for scheme to promote a degree of ownership in the community and wider public domain
- Securing Investment
  - Justifying the need for scheme / presenting key benefits and opportunities
  - Using effective business engagement and negotiation to secure investment

The completed Partnership Investment Plan is then presented for approval **In Principle** by NFDC

Once approved this will inform development the Business Case by demonstrating financial commitment and support for scheme.

### 3. Investment Agreement:

Once the Partnership Investment Plan is approved by NFDC, the **Investment Agreement** is devised. This stage is necessary to identify the preferred type of investment (internal borrowing / external loan). This needs to be considered against the secured investment in order to develop the **Repayment Plan**.

The Investment Agreement will be submitted for Council approval. If approved, Stage 4 will again feed back into the Business Case Development. This will provide the Business Case with positive backing and financial

support allowing for the final stages to be completed. This allows the business to submit to DEFRA for approval in principle (subject to **Borrowing**)

#### 4. **Investment:**

**Investment** is actioned by NFDC Finance Department in accordance with the **Investment Agreement**. This stage again informs the Business Case, predominantly to the DEFRA project board. Subject to the final necessary review procedures by DEFRA and the EA it would be anticipated that **Final Approval** would subsequently follow.

#### 5. **Repayments:**

Following approval, the scheme is taken forward to the construction stage with works being undertaken in accordance with the preferred option.

Managing the **Repayment Plan** in accordance with the **Partnership Investment Plan** will be undertaken by NFDC and will cover loan payments and the administration of contributions. Depending on the particular project and level of partnership funding required, the Repayment Plan is likely to require a commitment from NFDC over a number of years in order to facilitate processing of the secured investment and the recovery of contributions.

## FINANCIAL MONITORING REPORT (based on Performance April to July 2019 inclusive)

### 1. RECOMMENDATIONS

- 1.1 It is recommended that Cabinet;
  - 1.1.1 notes the latest budget forecasts of the General Fund (para 4.2), Capital (para 5.1) and HRA (para 6.1);
  - 1.1.2 approves the additional budget request at para 6.2 in relation to the Housing Maintenance ICT System, Keystone; and
  - 1.1.3 recommends Council approve the £400k additional budget requirement at paragraph 5.2.

### 2. INTRODUCTION

- 2.1 This report provides an update on the 2019/20 General Fund, Capital and Housing Revenue Account budgets, adjusting for any initial budget changes required, including the addition of the rephased budgets from 2018/19.

### 3. BACKGROUND

- 3.1 The Council's financial strategy of a continuous review of activities and services to identify opportunities for savings in expenditure alongside opportunities to generate income has been successful in addressing the significant reductions in government funding whilst at the same time maintaining key service levels. Budget monitoring reports form an important part of this process and support the ongoing development of the Medium Term Financial Plan (MTFP).

### 4. GENERAL FUND REVISED PROJECTION

- 4.1 A General Fund budget of **£17.493m** for 2019/20 was agreed by Council in February 2019.
- 4.2 Forecast income shortfalls identified at this early stage total **£230k**. Rephasings into 2019/20 from 2018/19 total **£683k**, funded by earmarked reserves set up in 2018/19, Rephasings from 2019/20 into 2020/21 within ICT total £330k. These changes result in an updated General Fund budget of **£17.723m**. Table 1 provides an overview of the variations and full details are provided in sections 4.3 to 4.5.

<b>Table 1</b>	<b>Para.</b>	<b>Savings £'000</b>	<b>New Req. £'000</b>	<b>Rephasing £'000</b>	<b>Total £'000</b>
<b>Original Budget April 2019</b>					<b>17,493</b>
Portfolio Items	4.3	0	230	275	505
AMG / Asset Replacement	4.4	0	0	28	28
Business Development / Third Party	4.5	0	0	50	50
		<b>0</b>	<b>230</b>	<b>353</b>	<b>18,076</b>
Transfer from Reserves				-353	-353
<b>Updated Budget July 2019</b>					<b>17,723</b>

#### 4.3 PORTFOLIO ITEMS

##### **New Requirements (Income Shortfalls); £230k**

- £100k – The annual Planning Fee income target of £911,000 is unlikely to be achieved. The Inspectors' letter setting out the main modifications to the Local Plan will be received in September and there will be further consultation on modifications over the autumn. This will give developers more certainty over allocated sites, however it is unlikely that applications on strategic sites will come forward immediately (P&I).
- £90k – Income generation to date across the Leisure Centres has been below target, with Ringwood and Totton showing the largest variations. This shortfall is being reported now as it is unlikely it will be recovered through the course of the financial year (L&W).
- £40k – We are continuing to see a fall in the number of Land Charge searches and do not anticipate any significant improvement until confidence in the economy improves. We are currently looking at a predicted underachievement in search income in the region of £40,000 and a clearer picture may emerge after October of this year; meanwhile we will continue to monitor the situation closely (P&I).

##### **Rephasings; £275k**

- £160k – Fordingbridge Car Park reconfiguration (P&I)
- £115k – Coast Protection (E&R)



#### 4.4 ASSET MAINTENANCE & REPLACEMENT

##### Rephasings; £28k

Budgets rephased from 2018/19 and to be met from earmarked reserves are as follows:

	<b>£ into 2019/20</b>	<b>£ out of 2019/20</b>
South Wing Roof Repairs (F,I&CS)	16,000	
LTH Roof Repairs (F,I&CS)	28,000	
Motorised Doors as MLD (F,I&CS)	7,000	
CCTV Equipment (Comm)	29,000	
Health & Leisure Chemical Dosing System (L&W)	75,000	
Health & Leisure Kiosks (L&W)	34,000	
Health & Leisure Virtual System (L&W)	33,000	
Health & Leisure Other Minor Schemes (L&W)	31,000	
MoS Steps and H&S Improvements (E&R)	105,000	
ICT Strategy 2018-22 (F,I&CS) *		-330,000
	<b>358,000</b>	<b>-330,000</b>

\* The anticipated timing of the delivery the 'ICT Strategy 2018-22' has been reviewed and results in net rephasing required of **£330,000** out of 2019/20 (F,I&CS).

#### 4.5 BUSINESS DEVELOPMENT/THIRD PARTY GRANTS

##### Rephasings; £50k

Budgets rephased from 2018/19 and to be met from earmarked reserves are as follows:

- £50k - Community Grants (Comm)

### 5. CAPITAL EXPENDITURE (General Fund and Housing Revenue Account)

- 5.1 The Capital Programme agreed in February amounted to **£27.919m**. This is now increased to a revised capital budget of **£30.244m** to reflect net rephasings of schemes from 2018/19 (**£1.660m**) and new requirements (**£665k**). Table 2 provides an overview of the variations and full details are provided in sections 5.2 and 5.3.

<b>Table 2</b>	<b>Savings £'000</b>	<b>New Req. £'000 Para 5.2</b>	<b>Rephasing £'000 Para 5.3</b>	<b>Total £'000</b>
<b>Original Budget April 2019</b>				<b>27,919</b>
Public Sector Housing (HRA)		400	1,588	1,988
Other Services (General Fund)		265	72	337
<b>Updated Budget July 2019</b>	0	665	1,660	<b>30,244</b>

## 5.2 New Requirements; £665k

- £615k – The better care fund allocation for disabled facilities adaptations for 2019/20 is £215k greater than the budget allowed for in February. In addition, based on current spending and enquiries, it is envisaged that additional adaptations could be made to the Council's Housing stock to the value of £400k in 2019/20 (HRA / E&R).
- £50k – the commercial investment panel agreed to allocate £50k of the Commercial Investment Strategy fund to finance works at Lymington Town Hall to enable a tenant to occupy vacant space located on the ground floor (F,I&CS).

## 5.3 Rephasings; £1.660m

Net capital schemes rephased from 2018/19 to 2019/20 totalled **£2.790** million;

	<b>£'000</b>	<b>£'000</b>
<b>Public Sector Housing:</b>		
· Section 106 Acquisitions	1,200	
· Acquisition Programme	239	
· Older Person Scheme Alterations	68	
· Compton & Sarum New Build	55	
· Stocklands	26	
		<hr/> 1,588
<b>Environment:</b>		
· Coast Protection Schemes	336	
· Public Convenience Programme	298	
· Milford on Sea	20	
		<hr/> 654
<b>Finance &amp; Efficiency:</b>		
· Vehicle & Plant Acquisitions	316	
· ICT Smarter Working	50	

· Hardley Industrial Estate	49	
· Smarter Working Accommodation (19/20 to 18/19)	-131	
		284
<b>Health &amp; Leisure:</b>		
· Eling Experience		91
<b>Planning &amp; Transportation:</b>		
· Open Space Works	67	
· Transportation Works	106	
		173
		2,790
<b>TOTAL REPHASINGS BETWEEN 2018/19 AND 2019/20</b>		

Net capital budgets rephased from 2019/20 to future years total **£1.130** million (detailed below);

- £1.130m – A new National Waste and Resources Strategy was released in December 2018, with four public consultations following in February-May 2019. There is also a review of waste services underway across Hampshire, and at NFDC Full Council in July, the Portfolio Holder announced a review of local Waste Strategy. The outcome of these three areas of work is likely to have a significant impact on the size and composition of the NFDC refuse/recycling fleet, therefore a precautionary approach is being taken to ensure we do not purchase vehicles that will quickly become obsolete or surplus to requirements. (E&R)

## 6. HOUSING REVENUE ACCOUNT

- 6.1 A break-even HRA budget for 2019/20 was agreed in February 2019. A variation to the original staffing establishment budget was approved by Council in July. The additional part-year budgetary implications as included within that report are now being reflected in the revised 2019/20 HRA budget; this and an additional budget variation are included within table 3 and explained further in 6.2.

Table 3	Original Budget	New Variations
	£'000	£'000
Income	27,876	
Revenue Maintenance	4,052	
Supervision & Management	5,954	280
Rents, Rates, Taxes & Other Charges	39	
Provision for Bad Debt	150	
Capital Financing Costs	8,456	
Contribution to Capital	9,225	
	27,876	280

- 6.2 The part year cost of the Housing Maintenance review has been estimated at £190k for 2019/20. The Housing Maintenance ICT system, Keystone, requires updating and the

scope of the system extending at a one-off cost of £90k. The acquisition of additional modules will help to support areas of planned maintenance, compliance and risk management and ensure that the Council meets statutory obligations. The HRA ICT reserve will be used to fund this expenditure.

## **7. CRIME AND DISORDER / EQUALITY AND DIVERSITY/ENVIRONMENTAL IMPLICATIONS**

7.1 There are no Crime & Disorder, Equality & Diversity or Environmental implications arising directly from this report.

## **8. PORTFOLIO HOLDER COMMENTS**

8.1 The report covers the first four months of this financial year and shows that, apart from a slight down turn in income and some rephasing of capital expenditure, we are broadly on track for the year. I note with pleasure that we are over delivering on the better care fund allocation for disabled facilities and that we have been able to allocate a further £400k to further increase the support to our residents.

8.2 The Council's finance continues to come under pressure due the allocation of central government funding however, through prudent management or reserves and a willingness to adopt modern and innovative ways of working, we continue to deliver on the frontline services for our residents.

### **For Further Information Please Contact:**

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CABINET – 4 SEPTEMBER 2019

PORTFOLIO:  
PLANNING AND INFRASTRUCTURE

## **HYTHE AND DIBDEN NEIGHBOURHOOD DEVELOPMENT PLAN – EXAMINER’S REPORT**

### **1. RECOMMENDATION**

Cabinet is asked to recommend to Council that it:

- i. notes the recommendations made in the Examiner’s Report (Appendix 2) into the Hythe and Dibden Neighbourhood Development Plan (Appendix 1 shows the plan with the Examiner’s modifications in red);
- ii. endorses and confirms that it is satisfied that the proposed modifications and responses highlighted in the Decision Statement (Appendix 3) that are necessary to meet the basic conditions; and
- iii. agrees to make the necessary arrangements for the Hythe and Dibden Neighbourhood Development Plan to proceed to referendum on 29 October 2019.

### **2. THE PURPOSE OF THE REPORT**

- 2.1 The purpose of this report is to approve the modifications recommended by the Examiner (Appendix 2) and agree that the Neighbourhood Development Plan proceed to local referendum.
- 2.2 It should be noted that as the designated Neighbourhood Plan Area falls partly within the New Forest National Park. The New Forest National Park Authority (NPA) are going through a similar process for the part of the parish within their planning jurisdiction. Once both authorities have agreed their responses to the Examiner’s Report the revised Neighbourhood Plan can proceed to local Referendum.

### **3. BACKGROUND**

- 3.1 Neighbourhood Plans were introduced by the Localism Act 2011 to give communities direct power to shape the development of their local area. Neighbourhood Plans are planning documents that, once adopted, will then become part of the statutory ‘development plan’ for the area alongside the local plan. Local planning authorities and planning inspectors considering planning applications or appeals must make their decisions in accordance with the policies of the development plan, unless material considerations indicate otherwise.
- 3.2 The Hythe and Dibden Neighbourhood Development Plan ‘Neighbourhood Area’ was designated in December 2015 and covers the whole of the Parish. Around 25% of the plan area is within the New Forest National Park, and the remainder is within the District Council’s planning area.
- 3.3 Work on the emerging Hythe and Dibden Neighbourhood Development Plan has been overseen by a steering group of parish councillors and community representatives. The Parish Council undertook an initial public consultation in 2016 to inform the preparation of the Plan. In Summer 2018 the Parish Council published their initial draft Neighbourhood Plan and in December 2018 published their revised draft Neighbourhood Plan. Following the submission of the draft neighbourhood plan to the two local planning authorities in early 2019, the Plan was subject to a final 6 week public consultation between March to April 2019.

- 3.4 The representations made during this final consultation and various supporting documents (including a Consultation Statement and a Basic Conditions Statement) were submitted to the independent Examiner for consideration.
- 3.5 The Examiner is required to assess whether the neighbourhood plan meets the 'basic conditions', which are that a neighbourhood plan should:
- have regard to national policy
  - contribute to the achievement of sustainable development
  - be in general conformity with strategic policies in the development plan
  - be compatible with EU obligations.
- 3.6 The Council (with the National Park Authority) has had a role in providing advice and assistance to the Parish Council in producing its Neighbourhood Plan, as required by paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

#### **4. EXAMINATION**

- 4.1 The Hythe and Dibden Neighbourhood Development Plan has now been through its Examination and the independent Examiner's report (June 2019) has been received. Where necessary the Examiner has recommended modifications to the Plan in order that it meets the Basic Conditions and other legal requirements. These are listed in the table at the conclusion of the Examiner's Report at Appendix 2.
- 4.2 The Examiner's Report concludes that subject to the modifications set out, the draft Neighbourhood Plan meets the Basic Conditions. The report also recommends that the Plan, once modified, should proceed to Referendum on the basis that it has met all the relevant legal requirements. Ultimately it is the responsibility of the two planning authorities to decide what action to take in response to the Examiner's recommendations. National guidance indicates that if the local planning authority can make modifications to the plan to meet the basic conditions and allow it to proceed to referendum, they should do so. Modifications will normally follow the Examiner's recommendations and clear justification would be required for departing from the Examiner's recommendations. The modifications and the District Council's proposed responses are set out in the Council's Decision Statement (Appendix 3).
- 4.3 NFDC, NPA and the Hythe and Dibden Parish Council met in July 2019 to discuss the Examiner's modifications and there is a shared agreement that the revisions now proposed to the plan are an appropriate response to the Examiners proposed modifications.
- 4.4 The Examiner concluded that the Referendum area does not need to be extended beyond the designated area to which the Plan relates.
- 4.5 It should be noted that now the Examiner's Report has been received there is a 'duty to have regard' to the post-examination Neighbourhood Development Plan. It is a material consideration in the determination of planning applications in Hythe and Dibden Parish.

#### **5. NEXT STEPS AND REFERENDUM**

- 5.1 Following approval of the Neighbourhood Development Plan and modifications, the Council as 'relevant authority' will publicise the plan and publish the required notices regarding the date of the referendum and how people can vote in accordance with the Neighbourhood Planning (Referendums) Regulations 2012. The Returning Officer is designated as the Counting Officer and is responsible for all arrangements in regard to the referendum within

the referendum area.

- 5.2 Government guidance confirms that a person is entitled to vote if, at the time of the referendum, they meet the eligibility criteria to vote in a local government election for the referendum area, they have an address at which they are registered to vote within the referendum area and are over the age of 18 years on the date of poll.
- 5.3 If the majority of those who vote (i.e. over 50%) are in favour of the draft Neighbourhood Plan, then the Plan must be 'made' (adopted) by both the District Council and the NPA 8 weeks after the referendum date.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 The Council can claim £20,000 towards the cost of supporting the preparation of the Neighbourhood Plan, arranging the Examination and carrying out the referendum from the Ministry of Housing Communities and Local Government (MHCLG) once the date for the referendum has been set.
- 6.2 Communities that draw up a neighbourhood plan and secure the consent of local people in a referendum, will benefit from 25% of the Community Infrastructure Levy revenues arising from the development that takes place in their area.

## **7. CRIME & DISORDER, ENVIRONMENTAL, DATA PROTECTION IMPLICATIONS**

- 7.1 None directly arising.

## **8. EQUALITY & DIVERSITY IMPLICATIONS**

- 8.1 None directly arising.

## **9. PORTFOLIO HOLDER COMMENTS**

- 9.1 The Portfolio Holder welcomes this report and commends the Parish Council for all their hard work in bring forward the first Neighbourhood Plan within the District to a referendum. The recommendations within this report are supported.

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### **Background Papers:**

Appendix 1 – Hythe & Dibden Neighbourhood  
Plan (tracked changes version)  
Appendix 2 – Examiners Report  
Appendix 3 – NFDC Decision Statement





Hythe and Dibden  
Neighbourhood Plan  
'Our Neighbourhood, Our Future'



**HYPHENATED**  
**HYTE AND DIBDEN**  
**NEIGHBOURHOOD DEVELOPMENT PLAN 2018 - 2026**

**~~REGULATION 15 SUBMISSION DRAFT~~**



**MARCH 2019**

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## IMPORTANT NOTE - ACCOMPANYING DOCUMENTS

The ~~is Regulation 15 draft~~ Hythe and Dibden Neighbourhood Development Plan should be read in conjunction with the following additional documents:

### Statutory supporting documents

- Basic Conditions Statement
- Consultation Statement
- Evidence base and documentary sources

[NB References to evidence and sources shown thus (ref 5.1) in the text of the Plan]

Non-statutory accompanying documents (which do not form part of the statutory 'Neighbourhood Plan')

- Community aspirations not included in the Hythe and Dibden Neighbourhood Plan
- Strategic Environmental Assessment (voluntary submission)

## Foreword

This Neighbourhood Development Plan has been written in response to concerns within the community that the Parish of Hythe and Dibden is not preparing itself for the development the community needs in order to remain vibrant and sustainable.

The Neighbourhood Plan is a progression from the RevitalHythe Action Plan that was published in 2008. It is anticipated that the Neighbourhood Plan will lead to other follow-on work such as Local Distinctiveness design guidance, Village Design Statements and Sustainable Transport initiatives.

The response from the public for this plan has been excellent and the Hythe and Dibden Neighbourhood Planning Group has endeavoured to capture all feedback as evidence to support policies in the Plan that satisfy required planning tests and are legally enforceable.

The people that live in the four communities of Hythe, Dibden, Dibden Purlieu and Butts Ash that make up the Parish of Hythe and Dibden are passionate about their Village and the rural surrounds and want to retain the inherent charm, character, vitality and setting whilst accepting some development will be needed to accomplish this.

I believe that this Neighbourhood Plan, that has required sometimes difficult decisions to be made, will ensure that the community of Hythe and Dibden will be able to contribute in a significant way into how the area evolves into the future. I thank the members of the Hythe and Dibden Neighbourhood Planning Group who have, on a voluntary basis, given up large amounts of their time, often at the expense of their own goals, to develop and encourage this Plan to evolve.

I would especially like to thank the communities of Hythe, Dibden, Dibden Purlieu and Butts Ash for your support and I hope that you feel that we have all 'done you proud'.



*Councillor Graham Parkes,  
Chair of the Hythe and Dibden Neighbourhood Planning Group*



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### 3 Introduction

#### Hythe and Dibden Neighbourhood Planning Group

#### Neighbourhood Plan

#### Introduction

- 3.1 Hythe and Dibden Neighbourhood Planning Group was established in February 2016 and is supported by Hythe and Dibden Parish Council. The aim of the group is to develop a neighbourhood plan that gives local people and businesses a say in shaping growth and developments within the Parish for the period until 2026, the same period covered by the two existing Local Plans with which it must be compatible.
- 3.2 Once the neighbourhood plan is adopted ('made') it becomes a statutory document that is taken into consideration alongside the New Forest District *Local Development Plan*, and the New Forest National Park *Local Development Plan*. The neighbourhood plan sets out a range of non-strategic policies that provide guidance to the planning authorities of New Forest District Council and the New Forest National Park Authority in respect to the parish of Hythe and Dibden. The time period covered by the plan has been deliberately chosen to coincide with that of the two statutory

Local Plans.

3.3 Powers were introduced in the Localism Act 2011 and subsequent regulations that enable the development and introduction of neighbourhood plans. Within the regulations a parish council is considered a 'qualifying' body and this enables Hythe and Dibden Parish Council to facilitate a framework for the development of a neighbourhood plan and then produce such a plan. The Parish Council's intention is to give



### 3 Introduction

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Hythe and Dibden residents a greater say than the District and National Park plans allow in how the parish develops and to ensure that any development more fully reflects the needs of local people and brings benefit to the area.

3.4 The first stage was to apply to the local planning authorities for the designation of the area to be covered by the neighbourhood plan (ref 1.1). This was agreed by the District Council and the National Park Authority in December 2015 and the area designated is the area defined by the existing Parish Council boundary (refs 1.2, 1.3, 1.4).

3.5 The Neighbourhood Plan process has taken heed of local people's thoughts and views that have been gathered through consultation events, surveys and personal representation. The Neighbourhood Planning Group has also worked hard to gather the views of relevant agencies and authorities and has taken account of evidence of need, the National Planning Policy Framework and emerging policies in Local Plan reviews as well as the currently adopted Local Plans. The group has also been mindful of the emphasis on sustainable development.

3.6 This Neighbourhood Plan:

- Provides an overview of the local planning context and the Parish of Hythe and Dibden;
- Sets out the Plan's vision, aims and objectives;
- Sets out and justifies each policy within the plan and links these to action points;
- Outlines the actions and commitments made as to how the plan will be implemented.



## 4 Local Planning Context

### Designated Area

- 4.1 The designated Neighbourhood Development Plan area is the whole of the Parish of Hythe and Dibden (shown edged in pink on the map below). Part of the Parish lies within the New Forest National Park (shown edged in yellow on the map). The designation was formally agreed by both local planning authorities – for the area outside the Park by New Forest District Council on 17 November 2015 (refs 1.2, 1.3) and for the area inside the Park by the New Forest National Park Authority on 1 December 2015 (ref 1.4). Hythe and Dibden Neighbourhood Planning Group was formally notified of this on 2 December 2015 in accordance with the Neighbourhood Planning (General) Regulations 2012 by NFDC (ref 1.5) and by NFNPA (ref 1.6).



## 4 Local Planning Context

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### Local Development Plans

- 4.2 The adopted local plans with which this Plan is aligned are, for the area outside the National Park, the New Forest District Local Plan Part 1 – Core Strategy adopted 2009 and the New Forest District Local Plan Part 2 – Sites and Development Management adopted 2014, and for the area within the National Park, the New Forest National Park: Core Strategy and Development Management Policies adopted 2010.
- 4.3 Both local plans are currently under review. The New Forest National Park Local Plan 2016-2036 submission draft was published in January 2018 and its Examination is in progress (Hearings were held in November 2018). The New Forest District Local Plan Review 2016-2036 Part 1 – Planning Strategy submission draft was published in June 2018 and its Examination Hearings are scheduled for June 2019.

## 5 Plan Development and Consultation

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- 5.1 In accordance with the requirements of legislation this draft Neighbourhood Development Plan is supported by the following documents:
- 5.1.1 A Basic Conditions Statement that demonstrates how the Plan will meet the necessary legal requirements.
- 5.1.2 A Consultation Statement that summarises the engagement with the communities of Hythe, Dibden, Dibden Purlieu and Butts Ash and with the statutory consultees and how the information they provided was incorporated into the Plan. Throughout the period over which the Plan has been developed it has been a focus of the Neighbourhood Planning Group to be both transparent and engaging.
- 5.1.3 An Evidence base and schedule of documentary sources. References to evidence and sources are indicated thus (ref 5.1 etc) in the text of the Plan.
- 5.2 This Neighbourhood Development Plan has been prepared in accordance with all relevant legislation and guidance; principally Schedule 4B of the *Town and Country Planning Act 1990*, as amended by the *Localism Act 2011*, and the *Neighbourhood Planning (General) Regulations 2012* (later amended). Adherence to statute and guidance ensures that the Plan fulfils the ‘basic conditions’ required of it.
- Neighbourhood Planning Consultation and Community Engagement
- 5.3 The terms of reference of the Neighbourhood Planning Sub-Committee sets out the expected engagement and transparency of the group and states:
- “The sub committee’s purpose is to design, implement and oversee two action plans:
- The Neighbourhood Plan development process
  - Communication, engagement and training to facilitate the Neighbourhood Plan process
- 5.4 The Tasks and Activities required of the sub-committee clearly sets out its role of engagement.

## 5 Plan Development and Consultation

5.5 The sub-committee was focussed on ensuring that, with regard to engagement, the development of the Neighbourhood Plan was undertaken by:

- Involving as many of the community as possible throughout all consultation stages of the Plan's development. This provided information to enable the emerging Neighbourhood Plan to be informed by the views of local people and stakeholders throughout the process;
- Undertaking consultation and engagement at important points in the process;
- Engaging with as wide a range of people as possible, using a variety of communication channels;
- Feeding back to the community and having up to date information available throughout the process.

5.6 In addition to the community engagement the Hythe and Dibden Neighbourhood Planning Sub-Committee has worked to engage and consult with the multiple partners (including principal councils and statutory agencies) as well as Associated British Ports in relation to the potential Nationally Significant Infrastructure Project of port expansion.

5.7 It is to be noted that throughout the process the District Council and National Park Authority have been considering reviews of their Local Plans and close contact has been kept with both authorities to ensure that the plans are compatible.

5.8 The level of consultation undertaken is provided in the evidence sections of the Consultation Statement; this includes the strategies, the events, and the results.



## 6 Overview of Hythe and Dibden

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### History

- 6.1 Hythe is an Old English word for a hard, permanent landing place on a river or sheltered estuary, the earliest use of the name was in 1293. 'Dibden' derives from 'deep dene' or deep valley.
- 6.2 During the Middle Ages the villagers were occupied in a mix of agriculture, fishing and ferrying. The large ships visiting Southampton moored offshore and the boatmen of Hythe acted as lightermen, transferring goods from ship to quay. The presence of a yacht club and railway line in the late 19<sup>th</sup> Century made Hythe popular with wealthy Londoners.
- 6.3 The first mention of Hythe Ferry was in 1575, although clearly there was some sort of ferry service long before that. Hythe pier was opened in 1881 and the train was added in 1922.
- 6.4 Hythe has had a thriving ship building industry since the 18<sup>th</sup> century. In 1927 it became home to the British Powerboat Company and in 1960 to The Hovercraft Development Company. Between 1915 and 1949 Flying Boats were built and flew from Hythe. This rich maritime heritage continues on the site to the present day, first as RAF Hythe being a base for the US Army and latterly as Hythe Marine Park.
- 6.5 Throughout the 1950's and 60's Hythe, Dibden and Dibden Purlieu expanded rapidly to accommodate the employees of the petrochemical industries at Fawley. There are now more than 20,000 people living within the parish.

### Population and health

- 6.6 Since 2011, the UK has been falling behind Europe and the rest of the world in terms of prospects for life expectancy. Life expectancy for women in the UK is now lower than the EU average, and lower than that in Greece and Slovenia. However, life expectancy in Hampshire is higher than the average for England, and on the majority of health measures the county is better than average although there are a few

## 6 Overview of Hythe and Dibden

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exceptions, for example the proportion of adults who are overweight, and death or injury from road accidents (ref 9.8).

- 6.7 There are more older people than the England average. In Hythe & Dibden Parish, there are approximately 20,526 residents living in approximately 9,290 homes. Approximately one third of the population is aged under 30, just under one third is over 60 and the remainder is aged between 30 and 59. Although New Forest District as a whole scores well in terms of Indices of Multiple Deprivation (ranked 255 out of 326 where 1 is worst and 326 is best), and most of the Parish reflects this, there are notable pockets of deprivation within the Parish, for example, Butts Ash/Dibden Purlieu (ref 9.9).

### **Natural Environment**

- 6.8 In landscape terms, Hythe & Dibden is bounded by Southampton Water to the east and the New Forest National Park to the west. The city of Southampton is 2 miles away as the seagull flies, about 12 miles by road and 10 minutes via the Hythe Ferry.
- 6.9 The north western part of the Parish is within the boundary of the New Forest National Park and the New Forest Special Protection Area, and is also a designated Site of Importance for Nature Conservation.
- 6.10 The eastern boundary is 4 miles of diverse shoreline and is a designated 'Ramsar Site' (protected wetland), 'Important Bird Area', 'Special Protection Area' and parts of it are designated 'Special Area of Conservation' and 'Site of Special Scientific Interest'.

### **Built Environment**

- 6.11 The southern part of the Parish is a mainly urban environment set among wooded areas which largely hide the residences to the visitor passing through on the main roads. The northern part of the Parish is largely fields, woodland, some heathland and open areas of reclaimed land. Its 'centre', on the edge of Southampton Water is the village of Hythe and the smaller Dibden Purlieu is on the forest side to the west.

## 6 Overview of Hythe and Dibden

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Apart from Hythe Marine Park and a small industrial estate there is relatively little 'industrial' landscape. Most of the centre of Hythe is a designated Conservation Area and there are nearly 30 listed buildings. The High Street is an attractive mix of Georgian and Victorian frontages but there are very few examples left of the Victorian houses that characterised Hythe and Dibden in the 19<sup>th</sup> century. The majority of the architecture is post 1950 when the housing started to expand rapidly to accommodate the employees of the nearby Fawley Refinery and related industries.

### Transport

- 6.12 The Parish is accessible by the A326 but this is becoming increasingly congested at peak times being the only main road in and out of the Waterside area. Bus services are frequent to Southampton. New Forest Tour Bus provide access to the New Forest and Lymington Hospital from the Parish during the summer months. However, this service does not run during the winter and this creates difficulties for access to hospitals, colleges and work, thus limiting options.
- 6.13 Uniquely Hythe has the Hythe Pier and Ferry, which has lived under the cloud of loss in recent years but following purchase by Blue Funnel Ferries and strong community support in the form of Hythe Pier Heritage Association, which has obtained Community Benefit Society status, its future seems secure for the moment.
- 6.14 The re-opening of the railway line (which is still maintained and useable) has been a local aspiration for a number of years but is not currently supported by Hampshire County Council or Southampton City Council, so would require a change of position by these bodies as well as long-term advocacy and commitment before it can become a reality.

### Business and the Economy

- 6.15 The main source of income in the local economy is retail, centred around Hythe, Dibden Purlieu and an out of town supermarket, together with smaller parades of

## 6 Overview of Hythe and Dibden

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shops at Hollybank and Fairview. Unusually the majority of shops are independently owned; this is both a strength and a weakness, a strength is due to owners being committed to their local community and provide a consistently higher level of customer service. The weakness is due to a single proprietor having reduced staff and investment resources; the general public do gravitate to High Street brands and this contributes to the weakness. There is a small industrial park on Shore Road and a business centre at South Street. Hythe Marine Park has a number of marine-related businesses and currently employs around 300 people.

- 6.16 The position of a national supermarket in an 'out of town' location, the close proximity of a major shopping centre in Southampton and an increase in internet shopping has put pressure on the small retailers. Moving the weekly market from a car park to the centre of the village and introducing specialist markets has maintained footfall and alleviated some pressure. Hythe has survived the downturn since 2008 well, and currently the number of vacant premises stands at 3% which is considerably below the national average of 12.2%. Developing Hythe as a visitor destination is an ongoing process and there are reports from the businesses of rising numbers of summer visitors. Visitor attractions to develop are the Hythe Pier and Ferry and the Waterfront itself with its views of the Port.

### Education

- 6.17 There are six primary, infant and junior schools within the parish of which 4 have Ofsted ratings Good, 1 has an Ofsted rating Outstanding and 1 has an Ofsted rating Needs Improvement. There are 2 secondary schools within the Parish both with Ofsted rating Good. In addition, there is a specialist school for children with moderate learning difficulties, which has an Ofsted rating Good, and a specialist school for children excluded from other schools, also rated Good.

### Housing

- 6.18 A wide range of housing is available within the Parish and most needs are met. However, there is a shortage of housing for first time buyers, particularly single



## 6 Overview of Hythe and Dibden

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people, and a shortage of smaller-sized houses such as one and two bedroomed properties, and a lack of affordable housing. This has resulted in local young people having to move away from the area. The average house price in the area is £333,724 which is approximately 32% higher than the national average. There is also a significant specific need for affordable rented housing.

### Note on Statistics

6.19 Figures included in the following information come from NOMIS (official labour market statistics) and the 2011 Census. For statistical purposes Hythe and Dibden Parish is made up of four wards – Butts Ash and Dibden, Dibden and Hythe East, Hythe West and Langdown and Furzedown and Hardley – it should be noted that Hardley is not part of Hythe and Dibden Parish.



## 7 Vision and Aims

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### Vision ~~and~~, Aims ~~and~~ Objectives

- 7.1 The Hythe & Dibden Neighbourhood Development Plan covers the period to 2026 and is therefore aligned with the Local Plan timescales for both New Forest District and the New Forest National Park. It is in general conformity with the current strategic policies of the development plans for the area as set out in the 2010 Core Strategy and Development Management Policies for the National Park, and the 2008 Local Plan Part 1 and 2014 Local Plan Part 2 for New Forest District outside of the National Park. In both cases the Local Plans are currently under review. Although it is not a statutory requirement, New Forest District Council has confirmed that the ~~draft~~ Neighbourhood Plan is also in general conformity with the emerging NFDC Review Local Plan Part 1. Proposals for major port development would not be dealt with by the local planning authorities but via a separate process as a Nationally Significant Infrastructure Project (NSIP).
- 7.2 The vision, aims, objectives and policies of the Neighbourhood Plan have emerged from extensive engagement with the local community.

### Vision

**“Hythe & Dibden: well connected, firmly rooted, confident in its own identity”**

- 7.3 “In 2026, Hythe & Dibden will be a thriving parish with a population of around 20,000 confidently rising to the challenges of its key position at a unique crossroads where the land meets the sea, where the city of Southampton faces the New Forest, and where heavy industry borders areas of great environmental sensitivity including a National Park, and where with careful planning and forethought, sustainable economic growth is being achieved.

## 7 Vision and Aims

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7.4 The parish will be notable for its **high standards of design** in the built and natural environment. New development including housing will be informed by a clear understanding of the locally valued environmental and cultural assets of the parish and will be sensitively integrated into the existing environment.

7.5 Our neighbourhood will benefit from a more even mix of **housing** to cater for the differing needs within the community including starter homes, in sufficient numbers to meet local needs. New housing will be built to a high standard, and will be designed to support local distinctiveness and to provide sufficient flexibility to facilitate subsequent modification or expansion of living space.

7.6 The value of the unique **environment and heritage** of the parish, part of which lies within the New Forest National Park, will be widely recognised and cherished. The ecological, historical, landscape and recreational value of these resources will be understood by residents and visitors alike, and opportunities will be taken for enhancement. The waterfront, woodland, SSSI, heritage assets, and nationally and locally valued landscapes will be actively conserved. A comprehensive schedule of **community assets** will have



been drawn up and mechanisms put in place to safeguard their future. Additional recreational space will have been made available and brought into use. Additional burial space, which might include woodland burial space, will be available.

7.7 The parish will be recognised as a **healthy place to live**. Physically active lifestyles will be supported and promoted. The design of new development will include the facilitation of good health amongst its required outputs, and the reduction of hazard

## 7 Vision and Aims

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and nuisance arising from vehicular use including the avoidance of air pollution and traffic congestion. The parish as a whole, and in particular the village centre of Hythe, will suffer less from pollution and congestion. Local food sustainability and biodiversity projects and initiatives will be in place.

- 7.8 **Sustainable transport links** will be in place providing alternatives to private vehicles for commuting. The parish will be well connected to Totton and Southampton, with the continued direct ferry link from Hythe Pier to Town Quay in Southampton and excellent public transport links by road or rail from the centre of Hythe. The Pier will be in good condition and its future will be secure. Additional necessary infrastructure to support these transport links including safe, convenient and practical access for pedestrians and for motorists where required will be in place. There will be good provision for pedestrians and cyclists, with well-designed convenient routes. Congestion on the road network will have been reduced.
- 7.9 Prospects for local **employment** will be good, with reliable high-speed broadband connections for business premises and home workers. The parish will continue to respond to the rapid evolution of information and communication technology and ensure that necessary infrastructure is in place to support current and anticipated business needs.
- 7.10 The level of **crime, anti-social and nuisance behaviour** will be lower. New development will be designed to reduce the impact of these forms of behaviour, and to provide sufficient parking to minimise avoidable tension and conflict. Robust long-term maintenance and management arrangements will be in place for all new cycleways and footpaths.
- 7.11 The likelihood and severity of **flooding** will have been reduced. More stringent standards for new development across the parish will be in place, including

## 7 Vision and Aims

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standards that new housing and business premises in the highest flood risk zones will be required to meet.

- 7.12 In the event that **major port development** has occurred on the Dibden Bay reclaim, a multifunctional green buffer zone around the operational port land will be in place, assisting in the successful physical and social integration of the port into the surrounding area, ~~and supporting environmentally focussed and sustainably managed economic growth.~~”

## 7 Vision and Aims

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### Aims

7.13 The Neighbourhood Plan has been developed to achieve the aims identified by the community. These aims have been identified after listening to the views of the community and evidencing the need and the priorities. The community has had the opportunity to contribute to this plan which has drawn together the consultation and development work of the Neighbourhood Planning Group and agreement of the aims listed below:

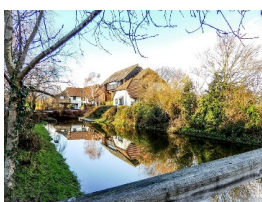
1	To promote high standards of design in the built and natural environment
2	To support the provision of suitable housing opportunities for the local community
3	To seek opportunities to conserve and enhance the landscape, recreational, ecological and historic assets of the parish both inside and outside the National Park, and minimise the environmental impact of development
4	To promote public health and wellbeing
5	To secure and support existing and new transport provision as an alternative to the use of private vehicles
6	To enhance the prospects for employment locally
7	To reduce crime, anti-social and nuisance behaviour
8	To reduce the likelihood and impact of flooding through coastal and riverine causes
9	In the event of major port development on the Dibden Bay reclaim, to create a multifunctional buffer zone to positively manage the interface with the surrounding land

## 8 Objectives and Policies

### Aim 1

### Objectives

To promote high standards of design in the built and natural environment



1.1 New development shall be designed and built to high standards of quality based on a clear understanding and appreciation of the unique character of the area and what is valued locally.

1.2 New development shall respect and enhance the character and distinctiveness of the built and natural environment.

1.3 The design of new development shall contribute to 'sense of place' and support a locally appropriate balance of environmentally, economically and socially sustainable outcomes.

### Policies

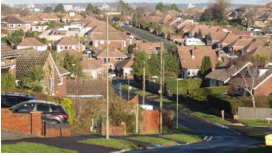
- D1** All new development in Hythe and Dibden will be required to seek exemplary standards of design and architecture, to demonstrate
- that local character and context has been fully recognised,
  - that the proposed design responds to it, and
  - that what is valued locally is respected.

The design and materials used in the development should complement, but do not necessarily need to imitate, the best



## 8 Objectives and Policies

examples of design and building in the local area. Innovation in design is encouraged, provided it fully respects local context.



**D2** All new development proposals in Hythe and Dibden other than non-operational development and applications for advertisements, tree preservation or materials storage, will be required to be supported by a Design and Access Statement, to a level of detail proportionate to the scale and environmental sensitivity of the proposed development.

**D3** Hythe and Dibden has its own unique qualities and characteristics - all new development must demonstrate that local distinctiveness has been recognised and that the development proposals respond to this appropriately.

### Action points

~~**D-AP1** Local distinctiveness guidance for Hythe and Dibden will be commissioned, informed by input from the community, to promote higher standards of design and greater responsiveness to local environmental context.~~

8.1 Hythe and Dibden is a unique parish, with a unique set of challenges and opportunities. The special qualities of local character and identity are highly valued locally, and the local community places a very high value on design quality in the built and natural environment. There was over 94% support (51 out of 54 responses) for these policies in the summer 2018 consultation. However, recent built development has not always been of high design quality and in harmony with the locality, despite

## 8 Objectives and Policies

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the existence of national and Local Plan policies supporting good design. It will therefore be of value to have another more local layer of policy support for good design, informed by a stronger appreciation of local context.

- 8.2 To better understand local context, we need to consider what it is that makes the environment of the parish special and unique.
- 8.3 Hythe is an Old English word for a hard, permanent landing place on a river or sheltered estuary, and the earliest use of the name here was in 1293. 'Dibden' derives from 'deep dene' or deep valley, which is characteristic of the small-scale topography along southwestern edge of Southampton Water in this area.
- 8.4 The first definitive record of Hythe Ferry was in 1575, although clearly there was some sort of ferry service long before that. The large ships visiting Southampton moored offshore and the boatmen of Hythe acted as lightermen, transferring goods from ship to quay. The presence of a yacht club and railway line in the late 19th century made Hythe popular with wealthy Londoners. Hythe pier was opened in 1881 and the train was added in 1922.
- 8.5 Hythe has a rich maritime heritage. It had a thriving ship building industry from the 18th century onwards, and in the early part of the 20th century Flying Boats were built and flew from here, and it became home to the British Powerboat Company and later to the Hovercraft Development Company.



## 8 Objectives and Policies

- 8.6 In landscape terms, Hythe & Dibden is bounded by Southampton Water to the east and the New Forest National Park to the west. The Plan area falls within National Landscape Character Area (LCA) 131 'New Forest' and is partly within the boundary of the National Park. At a more detailed level, in the New Forest District Landscape Character Assessment (2000) (ref 8.3) and the more recent New Forest National Park Landscape Character Assessment (2015) (ref 8.1), the Plan area lies partly within LCA 12 'Hythe and Ashurst Forest Farmlands' and partly within LCA 13 'Waterside Parishes'. In the Hampshire Integrated Character Assessment (2010) (ref 8.4) the Plan area crosses 3 different landscape character areas: LCA 2j 'Copythorne and Ashurst Heath Associated Wooded Farmland', LCA 4b 'New Forest Open Eastern Heath' and LCA 9c 'New Forest Waterside'. Each of these geographically distinct character areas are described in the various assessments and their defining landscape characteristics and qualities are identified.
- 8.7 The Plan area is exceptionally rich in biodiversity. There are three European designated sites immediately adjacent: The New Forest Special Area of Conservation (SAC), the Solent Maritime SAC and the Solent and Southampton Special Protected Area (SPA) and Ramsar site. There are three nationally protected sites within the Plan area: Dibden Bay Site of Special Scientific Interest (SSSI), the Hythe to Calshot Marshes SSSI and the New Forest SSSI. The Dibden Bay SSSI supports an outstanding number of rare invertebrates, associated in particular with the saline wetlands, with some 21 nationally-rare species and a further 67 nationally scarce species. The Hythe and Calshot Marshes are the most extensive area of saltmarsh and mudflats left in Southampton Water and are an important feeding and roosting area for migratory and over-wintering waders and wildfowl.
- 8.8 There are many important habitats within the Plan area in addition to the mudflats, saltmarshes and wetlands mentioned above, including lowland meadows, lowland heath, ancient and semi-natural woodland, wood pasture and parkland, and even two small areas of traditional orchards.

## 8 Objectives and Policies

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- 8.9 The southern part of the Plan area is a mainly urban environment set among wooded areas which largely hide the residences to the visitor passing through on the main roads, so in these areas the housing generally has a pleasing sylvan character. The northern part of the Plan area is less developed, consisting largely of fields, woodland, some heathland and open areas of reclaimed land, whilst its main 'centre' on the edge of Southampton Water is the village of Hythe, with the smaller Dibden Purlieu on the forest side to the west. Apart from Hythe Marine Park and a small industrial estate there is relatively little 'industrial' landscape. There are nearly 30 listed buildings in Hythe, and most of the village centre was designated as a Conservation Area in 1978. The boundary was extended in 1993 and again in 2000. A Conservation Area Appraisal was undertaken in 2004 (ref 6.10). The High Street is an attractive mix of Georgian and Victorian frontages but there are very few examples left of the Victorian houses that characterised Hythe and Dibden in the 19th century. The majority of the architecture is post 1950 when the housing started to expand rapidly to accommodate the employees of the nearby Fawley Refinery and related industries.
- 8.10 A detailed assessment of the built-up areas of Hythe and Dibden Purlieu was undertaken by Hampshire County Council in 2010 as part of its integrated character assessment for the county (ref 8.5). The assessment identifies thirty-two different urban character types, and seven distinct townscape character areas, each with their own individual qualities and characteristics, which helps paint a picture of what is locally distinct about the built environment of the Plan area. The character areas identified are: Historic Core and Waterfront; Hythe Marina; and five different residential suburban areas (Dibden Purlieu, Longdown, Furzey Piece, Hythe, Applemore).
- 8.11 Maintaining and raising design quality brings social and economic benefits as well as environmental benefits, as has been well documented (see for example Commission for Architecture and the Built Environment (CABE) reports 2001 (ref 6.7), 2002 (ref 6.8), 2006 (ref 6.9)).

## 8 Objectives and Policies

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- 8.12 An excellent initiative was launched by NFDC in 2012 to promote an enhanced understanding and respect for local character and identity, known as the 'local distinctiveness' programme (ref 6.2), and it was originally intended to produce tailor-made design guidance for all the major settlements within the district. Excellent guidance was published and adopted as SPD for New Milton, Lymington and Ringwood, but unfortunately due to constraints on resources the intended programme was curtailed and no further settlements have been brought into the programme.
- 8.13 The Parish Council therefore intends to commission local distinctiveness guidance for Hythe and Dibden and has included this as Action Point D-AP1 [in Annex 1 of this Plan](#).
- 8.14 Notwithstanding the support for design quality in national policy and in local plan policies across the UK, the design quality of new development that actually gets built is often disappointing. It requires strong and continuous commitment on the part of all those involved in the development management process to ensure that design quality policy aspirations do result in the delivery of quality buildings and places. Many tools and techniques can be helpful, but the requirement for planning applications to be supported by appropriately formulated Design and Access Statements (DAS) is recognised as a particularly cost-effective and practical means of raising the quality of design in new development. When people responsible for submitting development applications are required to write design statements it brings into the open the design thinking behind the proposals, and allows the public, the professionals and elected representatives viewing the proposals to better understand exactly what is being proposed and make informed judgements as to how well or otherwise the development relates to the locality and satisfies policy objectives for quality in the built environment.
- 8.15 It is a national requirement that major development proposals and applications for development in 'designated areas' (subject to certain limitations) are accompanied

## 8 Objectives and Policies

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by a DAS, with designated areas being defined to include Conservation Areas and World Heritage Sites although surprisingly not to include National Parks. Local requirements for information to be submitted with planning applications may be introduced, where there is a valid reason for doing so and subject to local consultation.

- 8.16 Within the New Forest National Park, there is a local requirement to comply with a Design Guide SPD (NFNPA, 2011) (ref 6.1), but there is no additional requirement for a DAS beyond the national requirement. Outside the National Park, there is an enhanced local requirement for a DAS to be submitted, as set out in the NFDC 2006 Planning Advice Note (ref 6.5), although development of an existing dwelling house that is not within a Conservation Area is excluded from the requirement. The requirements are therefore currently somewhat more stringent outside the National Park than within it.
- 8.17 Policy D2 extends the local NFDC requirement slightly, and plugs the policy gap in respect of the area within the National Park, where making the requirement to submit a DAS more universal by improving the communication of design matters would bring the added benefit of making it easier for the NPA to determine whether its existing design policy requirements were satisfied, including compliance with its 2011 Design Guide SPD. The reasons why Policy D2 is justified may be summarised as follows:
- 8.17.1 Most development within the parish is small scale, often very small scale. The cumulative impact of many small changes over time can become significant;
  - 8.17.2 Outside the National Park, extending the requirement for a DAS to include householder applications whether inside or outside a designated area making it more universal will ensure that an enhanced level of care and attention to design will become routine;
  - 8.17.3 Inside the National Park, the policy would significantly extend the current requirement for a submission of a DAS. Given the environmental sensitivity

## 8 Objectives and Policies

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of the National Park, developers should be required to take at least the same level of care and attention (and preferably greater) to design quality as would be the case outside the Park. If planning applications are accompanied by a DAS, it will be easier for the National Park Authority to determine whether the design quality requirements set out in its 2011 Design Guide SPD are being met.

- 8.18 The level of sophistication of a DAS should always be proportionate to the scale and sensitivity of the development proposed. The guidance in the 2006 NFDC Planning Advice Note and in national guidance is very clear in this respect. Extending the requirement to submit a DAS does not mean that a DAS needs to be any more lengthy. For smaller or less sensitive developments, a very succinct statement will often be quite sufficient. As set out in Policy C1, development proposals will be required to demonstrate what steps have been taken to reduce the negative impacts of crime and anti-social behaviour. These matters should be addressed as an integral part of the design process and presented in the DAS.
- 8.19 The extension of the requirement for design and access statements as set out in Policy D2 will, by improving the clarity and communication of design ideas, also facilitate the achievement of Policies D1 and D3, since not only the Hythe and Dibden Parish Planning Committee, but also the Planning Committees of the two local planning authorities will be assisted in their task of evaluating the design merits of proposals that come before them.

## 8 Objectives and Policies

Aim 2	Objectives
<p><b>To support the provision of suitable housing opportunities for the local community</b></p>	<p>2.1 To provide new housing of up to 3 bedrooms per unit to meet local needs.</p> <p>2.2 To provide substantial numbers of starter homes.</p> <p>2.3 To provide a mix of housing types including suitable downsizing properties for local residents to retire to and for young families, couples and single people to start their first home.</p> <p>2.4 To maximise opportunities for people with strong local connections to access new housing.</p> <p>2.5 To encourage the design of new buildings that allows realistically priced utilisation of roof space for further accommodation.</p>

### Policies

- H1 To reflect local housing need, new dwellings permitted in those parts of the Parish within the National Park will have a maximum total internal habitable floor area of 100 square metres. Where permission is granted for new dwellings of up to 100 square metres, a condition will be attached removing permitted development rights in respect of extensions.

- H2 The design and specification of new residential buildings that

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### Hythe & Dibden Neighbourhood Development Plan



## 8 Objectives and Policies

facilitate future conversion and utilisation of roof space to provide additional accommodation ~~economically~~ will be encouraged.

### Action points

~~**H-AP1** Work closely with NFDC housing and planning officers to ensure that local needs and local connections are reflected to the fullest extent possible in housing policies and practices, and that a suitable mix of housing types and sizes is provided to meet the needs of local people, to retire to, and for young families, couples and single people to start their first home.~~

~~**H-AP2** Respond to Local Plan consultations and work closely with both local planning authorities to ensure that Local Plan housing policies reflect local needs and local connections to the fullest extent possible, and where opportunities arise to influence national policy in pursuit of the same objectives.~~

8.20 The local planning authorities (NFDC and NFNPA) have jointly commissioned various specialist reports to analyse and evaluate local housing requirements as part of their local plan preparation and review processes, including the GL Hearn 2014 New Forest Strategic Housing Market Assessment (ref 7.3) and the JG Consulting 2017 Objectively Assessed Housing Need (ref 7.2) reports. These support the emerging housing policies in the review local plans, including emerging Policy 16 'Housing type, size and choice' in the NFDC Local Plan Review (ref 7.1, page 52) and emerging Policy SP21 'The size of new dwellings' in the NFNPA Local Plan Review (ref 7.4, page

## 8 Objectives and Policies

57). The findings of local consultation, and the evidence from the studies undertaken on behalf of the local planning authorities, have highlighted particular needs in this Parish for:

- More smaller-sized houses including one and two bedroomed properties;
- More affordable housing; and
- Housing suitable for first-time buyers and young families.

8.21 The principal aims of Policies H1 and Action Points H-AP1 and H-AP2 [set out in Annex 1 of this Plan](#) are to:

- (a) Provide new housing of up to 3 bedrooms to meet local needs;
- (b) Provide substantial numbers of starter homes; and
- (c) Provide a mix of housing types including suitable downsizing properties for local residents to retire to and for young families, couples and single people to start their first home.

8.22 Policy H1 is aligned with Policy SP21 of the emerging New Forest National Park Local Plan 2016-2036 Submission Draft (Jan 2018) and is supported by evidence in the New Forest Strategic Housing Market Assessment (2014) (ref 7.3) and explanatory text as set out in paragraphs 7.13 to 7.15 of the Submission Draft Plan.

8.23 Another clear message emerging from local consultation was the desire to maximise opportunities for people with strong local connections to access new housing. Following extensive discussion with the two local planning authorities, it was concluded that rather than seeking to achieve this through a specific policy, it would be more appropriate to work closely with the planning authority's housing and planning officers to ensure that local connections, as well as the full range of local needs, are reflected to the fullest extent possible in district level housing policies and practices, so this has been included as Action Point H-AP1 [in Annex 1](#).

8.24 Policy CS13 of the New Forest District Core Strategy (ref 3.1) includes a requirement for ensuring that 'new residential development includes housing suitable for newly forming households' but does not quantify this through defined percentages or otherwise. However, the emerging Policy 16 in the 2018 Local Plan Review Part 1

## 8 Objectives and Policies

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(ref 7.1) is much more detailed than Policy CS13 and does include quantified proportions for different house sizes. Although the wording of Policy 16 might benefit from slight refinement, it is understood from discussions with the LPA that Figure 6.1 would be applied to ALL residential development, not only to developments of 100 or more homes, and on this basis the Parish Council is content to support emerging Policy 16 and does not consider there to be a need for additional policies governing size and type of housing in order to meet its stated objectives.

- 8.25 An additional issue that has been identified locally is the difficulty faced by growing families, in circumstances where they have initially moved into a small property and later find they need to extend the accommodation to cater for additional children or elderly relatives. A significant number of properties have sufficient volume in the roof space to create additional living space, but have not been designed in a way that facilitates this. Policy H2 is intended to encourage the design and specification of new residential buildings that provides flexibility in allowing future conversion and utilisation of roof space to be achieved in a practical and economic manner.

## 8 Objectives and Policies

### Aim 3

### Objectives

**To seek opportunities to conserve and enhance the landscape, recreational, ecological and historic assets of the parish both inside and outside the National Park, and minimise the environmental impact of development**

3.1 To protect and enhance the open spaces within the Parish whilst recognising an opportunity for neighbourhood housing development of smaller spaces where this can be achieved with no net loss of open space.

3.2 To protect, conserve and, where appropriate, enhance the nationally protected landscape of the National Park, the SSSI, areas covered by European legislation and the Solent Recreation Mitigation Partnership ('Bird Aware'), the existing waterfront, woodland and other locally valued landscape.

3.3 To protect and enhance the historic fabric and heritage of the Parish, in particular the heartlands of the communities.

3.4 To conserve important community assets.

3.5 To provide additional accessible natural greenspace.

3.6 To meet the recognised needs of local residents for additional space for burial of the deceased within areas that are environmentally enhancing.

### Policies

**ENV1** Open spaces within the Parish will be protected and enhanced. If opportunities arise for the provision of small scale local needs

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## 8 Objectives and Policies

housing in accordance with Aim 2 that involve the loss of existing open space, these will not be permitted unless (a) the development can be achieved in an environmentally sensitive manner and (b) new open space is provided that is of at least the same area and at least the same quality and accessibility as that lost, so there will be no net loss of open space in terms of either area or functional value.

**ENV2** Opportunities will be sought in new development for the provision of additional accessible natural greenspace within the Parish.

### Action points

~~**ENV-AP1** A draft Schedule of Community Assets is being prepared by the Parish Council, and will be consulted on and refined during 2019 and 2020. Once it has been formally approved, the assets identified will become protected under Local Plan policies supporting local distinctiveness (Policy CS3 for assets outside the National Park, and Policy CS8 for assets within the National Park). Once completed, the schedule will be subject to regular monitoring and review and to periodic updating.~~

~~**ENV-AP2** Feasibility and site investigation work will be undertaken in order to identify one or more suitable sites to meet the recognised needs of local residents for burial of the deceased in an environmentally enhancing setting.~~

~~**ENV-AP3** Investigations will be undertaken and a local partnership~~

## 8 Objectives and Policies

~~convened of public, private and voluntary sector partners who provide and/or manage open space with the parish. (To be undertaken under the RevitalHythe initiative.)~~

~~**ENV-AP4** Investigations will be undertaken and a local partnership convened of public, private and voluntary sector partners who look after the heritage assets of the parish. (To be undertaken under the RevitalHythe initiative.)~~

~~**ENV-AP5** Investigations will be undertaken and a local partnership convened of public, private and voluntary sector partners who look after the community assets of the parish. (To be undertaken under the RevitalHythe initiative.)~~

8.26 Protection of the environmental assets of the Parish is a key element of achieving sustainable development.

8.27 Environmental matters considered important to the local community that have featured in responses to recent consultations include:

- Encouraging greater civic pride;
- Protecting green areas/open spaces and encouraging responsible use;
- Protecting green spaces from being built on;
- More tree planting and protection;
- Looking after the woodlands; and
- Protecting wildlife.

8.28 Green open spaces are of great importance. The value of greenspace, not only environmentally but also in terms of quality of life, and social, environmental and health value is well documented (see for example publications by CABI, CABI Space,

## 8 Objectives and Policies

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Design Council) (refs 6.4, 6.7, 8.6 and 8.7). However, provision of small-scale local needs housing is equally important, and there could be opportunities in the future to create new small-scale environmentally sensitive developments. Policy ENV1 recognises this and allows for the possibility that it might occasionally be appropriate to exchange open space in one location for another, in order to facilitate such development, provided this results in no net loss of open space, in terms of area, quality or functional value. Any proposals for specific schemes that come forward in future would need to be assessed on their individual merits.

- 8.29 Policy ENV2 seeks to ensure that opportunities will be sought for the creation of additional accessible natural greenspace, so that even if a small amount of open space might in future be used to meet the need for small-scale local needs housing subject to the provisions of Policy ENV1, the overall quantity of available and accessible natural greenspace should always be increasing not decreasing.
- 8.30 The Parish is fortunate in being unusually rich in environmental, cultural and historic assets, including a National Park, Sites of Special Scientific Interest and areas designated under European legislation. There is even an internationally designated long-distance footpath route passing through the Parish (European route E9, which follows part of the SW Coastal Path) (ref 8.10). These designated assets, together with woodland, river corridors, waterfront, other locally valued landscape, and the historic assets and heritage of the Parish are protected under existing and emerging Local Plan policies (eg adopted Policy CS3 and emerging Policies 9 and 10 in the Local Plan outside the National Park, and adopted Policies CP1, CP2, CP3, DP1, DP2 and emerging Policies SP5, SP6, SP7, SP8, SP9, SP10 in the Local Plan inside the National Park), so it is not considered necessary for additional policies to be introduced in order to satisfy Neighbourhood Plan objective 3.2.
- 8.31 The biodiversity net gain approach (NPPF paragraphs 174 and 175) is incorporated into the emerging Local Plan policies (Policy SP6 within the National Park, and Policy 9 (Saved Policy DM2) outside the National Park) and the Parish Council supports this

## 8 Objectives and Policies

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approach. The protection and enhancement of heritage assets is comprehensively addressed in the emerging Local Plans (Policy 11 (Saved Policy DM1) outside the National Park, and Policy SP16 inside the National Park) so there is no need for the Neighbourhood Plan to include additional policies to meet objective 3.3.

- 8.32 Water quality is an important aspect of the natural environment and needs to be taken into account in planning and land management decisions. The Parish Council supports the approaches being taken by both local planning authorities in their emerging Local Plans on water quality and is therefore not proposing any additional policies in the Neighbourhood Plan. It is covered in the New Forest National Park Local Plan 2016-2036 Submission Draft in paragraphs 5.32 to 5.39 and Policy DP8 'Safeguarding and Improving Water Resources', and in the New Forest District Local Plan Review 2016-2036 Part 1 in paragraphs 5.28 to 5.31 supported by the evidence in the Integrated Water Management Study (2018) prepared for the Partnership for Urban South Hampshire (ref 8.13).
- 8.33 A draft Schedule of Community Assets is currently being prepared by the Parish Council as indicated in Action Point ENV-AP1 [set out in Annex 1 of this Plan](#). These assets can include environmental, cultural or historic features locally considered significant, and could include woodland, greenspace, river corridors etc, as well as features of the built environment. The formal identification of community assets, including the process of local consultation and publication, will bring these assets under the protection of the Local Plan environmental policies mentioned above, such as Policy CS3 which protects features of local heritage value and features contributing to local distinctiveness, and Policy CP7 which protects locally important sites and features of the built environment.
- 8.34 All public bodies have a duty to have regard to marine planning, and this is clearly relevant to a coastal parish such as Hythe and Dibden. The South Marine Plan published by DEFRA in 2018 (ref 8.12) provides useful guidance.



## 8 Objectives and Policies

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8.35 The Strategic Environmental Assessment (SEA) of the draft Neighbourhood Plan (ref 8.11) has assessed the Plan and its policies against the formal environmental significance criteria set out in the regulations and concludes that the Plan will result in a range of beneficial environmental effects.

8.36 There is a local need to provide additional space for burial of the deceased within areas that are environmentally enhancing, and the Parish Council will undertake feasibility and site investigation work to identify one or more suitable sites within the Parish, as set out in Action Point ENV-AP2 [in Annex 1 of this Plan](#).

## 8 Objectives and Policies

### Aim 4

### Objectives

#### To promote public health and wellbeing

- 4.1 Support public health, active lifestyles and community wellbeing
- 4.2 To design new developments so as not to exacerbate and where possible to ameliorate current air pollution, traffic congestion, parking and road safety issues
- 4.3 To promote improvements to the village centre infrastructure to address air pollution, traffic congestion, parking and road safety issues
- 4.4 To provide further opportunities for food sustainability and biodiversity

### Policies

- WEL1** Development proposals should seek to support public health, active lifestyles and community wellbeing, for example, by
- Encouraging greater levels of physical activity by promoting and facilitating active travel (eg walking and cycling) and ensuring the availability of good quality open and green spaces
  - Supporting indoor and outdoor physical recreational opportunities including gentle activities suitable for older people
  - Ensuring that streets and public spaces are places where people feel comfortable and at ease, increasing social

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## 8 Objectives and Policies

interaction and reducing anti-social behaviour, isolation and stress

- Supporting the community's physical and mental health, and social and cultural wellbeing.

**WEL2** ~~Seek to ensure that~~ New developments should be are designed so as not to exacerbate, and, where possible improve, to ameliorate current air pollution, traffic congestion, road safety and parking. New residential developments should provide infrastructure for charging electric vehicles. and road safety issues, and include charging points for electric vehicles including mobility scooters and buggies.

### Action points

**WEL-AP1** ~~The Parish Council will collect evidence on the problems associated with on street parking and traffic congestion in and around the village centre, taking advice from HCC on the best way of doing so. Informed by the evidence gathered, the Parish Council will work with HCC and other agencies to promote improvements to the village centre infrastructure to address air pollution, congestion, parking and road safety issues, including (if supported by the evidence gathered) detailed investigation into the feasibility of partial closure to traffic or creation of a one-way system in the village centre.~~

## 8 Objectives and Policies

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~~**WEL-AP2** Further opportunities to promote food sustainability will be provided, including the provision of land for an educational community-based *Grow Your Own Food* project and support for the provision of new allotments.~~

8.37 In recent years there has been a considerable amount of new research highlighting the significant influence that planning in the built and natural environment can have on physical and mental health and wellbeing (refs 9.2, 9.3, 9.4 and 9.7). The consequences of sedentary lifestyles on public health are matters of national concern. Walking for Life (2013) (ref 9.5) stated that “*being inactive can take 3-5 years off your life*”. Cancer Research UK in its science blog of 24th September 2018 (ref 9.6) stated

*“Smoking has topped the list of preventable causes of cancer for decades. But it might not be there forever. While smoking rates have been falling, the proportion of the UK population who are overweight or obese has risen. And if these trends continue, obesity looks set to overtake smoking as the biggest preventable cause of cancer at some point in the future.”*

8.38 Of course, the planning system alone cannot solve these problems, but it can certainly make a useful contribution, for example by taking opportunities where they exist to support more physically active lifestyles, by encouraging walking and cycling, and making the outdoor environment more attractive and conducive to social interaction. There is real potential to help bring about improvements in mental health and general wellbeing as well as physical health.

8.39 The results of local consultations confirmed the need for more and better cycle paths, cycle routes and pedestrian routes, for improved safety for cyclists and pedestrians, for better provision of indoor and outdoor sports (eg badminton,

## 8 Objectives and Policies

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tennis) including gentle activities suitable for older people, and for improved quality of public spaces in and around Hythe centre.

- 8.40 Policy WEL1 responds to these issues, supports public health and encourages greater levels of physical activity, better provision of indoor and outdoor physical recreational opportunities and making streets and public spaces more conducive to social interaction and human wellbeing.
- 8.41 Additional matters emerging from local consultation were the need to reduce air pollution from motor vehicles including idling buses, to reduce traffic congestion, to reduce the speed of traffic (eg 20mph zones) and to control parking better.
- 8.42 Policy WEL2 and Action Point WEL-AP1 ([see Annex 1](#)) address these issues, and seek to ensure that new developments do not worsen, and where possible improve air pollution, traffic congestion, parking and road safety, and promote improvements to the village centre infrastructure that will likewise address air pollution, traffic congestion, parking and road safety issues.
- 8.43 The Parish Council will work with Hampshire County Council and other agencies on issues relating to on-street parking and traffic congestion in and around the village centre, and investigate with them the feasibility of partial closure or a one-way system (Action Point WEL-AP1, [Annex 1](#)).
- 8.44 Action point WEL-AP2 ([see Annex 1](#)) will provide further opportunities for food sustainability, including a 'grow your own food' project and also supports the provision of new allotments.

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Aim 5	Objectives
<b>To secure and support existing and new transport provision as an alternative to the use of private vehicles</b>	<p>5.1 To promote improved public transport between Hythe and Southampton, for example by seeking to ensure the protection of the existing rail route and track to Totton and the provision of suitable Park and Ride infrastructure and platform access so that, subject to viability, a rail/tram link to Southampton can be provided, or through provision of a 'mass transit system' such as that currently under consideration by Southampton City Council.</p> <p>5.2 To identify a suitable site and safeguard access for pedestrians and motorists for a possible future railway halt within the parish of Hythe &amp; Dibden including the provision of additional parking in that location.</p> <p>5.3 To ensure the protection of the Pier and associated structures in order to sustain the ferry link to Southampton.</p> <p>5.4 To ensure provision at the Pier Approach and elsewhere in the Parish to ensure safe public access.</p> <p>5.5 To ensure the provision of new cycle ways and footpaths giving safe and sensible routing for all the community.</p> <p>5.6 To ensure that footpaths and cycle ways are designed to high standard and at gradients that are suitable for all users, so far as possible, and utilise as direct a route as possible.</p> <p>5.7 To ensure that management and maintenance plans for new cycleways and footpaths are a condition of planning</p>

## 8 Objectives and Policies

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consent.

5.8 To eliminate pinch points and areas that cause delays in the current road layout.

### Policies

- T1** Seek to ensure the provision of new and improved public transport links to Southampton, and work with relevant authorities, including Hampshire County Council and Southampton City Council, to identify the most practical and economically sustainable means of doing so.
  
- T2** Seek to protect the existing rail route and track to Totton and identify suitable sites for Park and Ride infrastructure, platform access, and a potential railway halt in the parish of Hythe & Dibden including access for pedestrians and motorists and parking, so that in the event that it proves economically viable and the relevant authorities agree, a rail/tram link to Southampton could be provided.
  
- T3** Seek to ensure the protection of Hythe Pier and associated infrastructure in order to sustain the ferry link to Southampton.
  
- T4** Promote the creation of a fully functioning efficient transport interchange at the Pier Approach with safe and convenient pedestrian access.
  
- T5** ~~Ensure that all N~~new footpaths and cycleways ~~should be are~~

## 8 Objectives and Policies

designed to a high standard. Proposals should have regard to the suitability of their gradients for all users, the directness of the route, and matters of community safety. ~~and, as far as possible, at gradients that are suitable for all users and utilising the most direct routes. Routing decisions and detailed design must also take account of community safety, as set out in the Management Plan for the reduction of crime and antisocial behaviour.~~

- T6** Applications for development that propose new cycleways or footpaths should include details of their future management and maintenance. All development proposals in Hythe and Dibden that include new cycleways or footpaths will be required to submit management and maintenance plans at the time of the planning application detailing how the cycleways and footpaths will be maintained in the long term, who will be responsible and how the maintenance will be funded.

*[Note – refer also to Policy C3]*

### Action points

- T-AP1** ~~The Parish Council will actively work with and support Hythe Pier Heritage Association in its work to safeguard the Pier, the Pier Railway and the Ferry.~~
- T-AP2** ~~The Parish Council will undertake an assessment of the existing footpaths and cycleways within the Parish to identify what~~



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~~improvements are needed.~~

~~**T-AP3** The Parish Council will undertake necessary feasibility work and seek opportunities arising from new development and otherwise for the provision of new cycleways and footpaths giving safe and convenient routes for all the community.~~

~~**T-AP4** The Parish Council will explore with HCC the most practical ways to remedy existing traffic pinch points and areas that cause delays in the current road layout, in particular in the village centre where the problems are currently most acute, mindful of HCC's funding priorities which are focussed on safety and mitigation necessitated by new development. It is recognised that reducing the use of private vehicle and encouraging more active travel (human powered) will help address these issues, and may ultimately be the most productive approach.~~

8.45 Key issues for the local community that have been identified in recent years and confirmed in the summer 2018 consultation include:

- Retain and improve ferry service;
- Improve Pier and ferry infrastructure;
- Rationalise and improve the Pier Approach and bus/taxi/ferry interchange;
- Passenger train service from Hythe to Southampton;
- Provide more cycle paths, cycle routes and pedestrian routes;
- Ensure that cycle and pedestrian routes are well designed and well maintained;  
and
- Reduce traffic congestion and air pollution from vehicles.

## 8 Objectives and Policies

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- 8.46 Many of these community aspirations are complex, would require multi-party approaches and considerable long-term investment of resources. Many involve matters that are not directly in the control of the Parish Council. It is clear from the adopted 2017 Waterside Interim Transport Strategy (ref 10.4), and from consultation responses to this draft Plan, that Hampshire County Council and Southampton City Council do not currently support the re-opening of passenger rail services between Hythe and Southampton because they do not believe them to be viable, so although it has very strong community support this is unlikely to be possible in the short or medium term. Informed by discussion with the local planning authorities, the proposed policies and actions proposed in this Plan seek to adopt a realistic and pragmatic approach, taking steps that are deliverable and will enable tangible progress to be made towards fully meeting the community aspirations in the longer term.
- 8.47 Policy T1 seeks the provision of new and improved public transport links to Southampton. In the long term, this could include a passenger rail link, if changing circumstances altered the viability assessments and Hampshire County and Southampton City Councils changed their current stance. In the meantime, other options for improved public transport are being explored, such as the mass transit system. Policy T2 seeks to ensure that the essential infrastructure needed to support possible future passenger rail/tram links to Southampton are safeguarded, notwithstanding the fact that timescales for implementation could be considerable.
- 8.48 It may also be noted that it was announced in 2017 (ref 10.3) that a new feasibility study had been commissioned for a light rail or tram network linking Southampton to Portsmouth and other potential destinations in South Hampshire.
- 8.49 Policy T3 seeks the protection of the Pier and associated structures and improvements to Pier Approach in order to sustain the ferry link to Southampton.

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- 8.50 There has been concern for many years that the approach to Hythe Pier and the area around the ferry ticket office does not function well either for vehicles or for pedestrians. Policy T4 seeks to promote a re-designed more efficient and better functioning transport interchange here, with a particular focus on ensuring safe and convenient pedestrian access.
- 8.51 There is strong support locally for the provision of additional cycleways, cycle routes and footpaths. A number of possible new routes have been publicly discussed, but there is a need for further feasibility and preliminary design work to be undertaken before specific proposals can be presented for formal planning consideration. Action point T-AP3 [in Annex 1 of this Plan](#) seeks to initiate necessary feasibility work on current ideas in order that these can be brought forward at an early date for formal consideration, and also to support future opportunities for additional pedestrian and cycle routes.
- 8.52 Where new footpaths and cycleways are provided, Policy T5 requires that they are designed to a high standard, with careful consideration of gradients that are suitable for all users, and taking full account of future maintenance and the need to minimise crime and anti-social behaviour in the design process. Linked to this, Policy T6 requires maintenance and management plans for new cycleways and footpaths to be submitted at the time of the planning application, to avoid the problems that have previously occurred due to lack of clarity over maintenance responsibility and funding arrangements. It is good practice for long term maintenance and management plans to be submitted in respect of public open space provided with new development, to avoid future erosion of functional value and environmental quality as a result of lack of clarity in relation to which bodies have responsibility, standards and resources. By the same logic, there is a need for maximum clarity over long term management arrangements for cycleways and footpaths.
- 8.53 Action Point T-AP4 [in Annex 1 of this Plan](#) seeks to reduce congestion by eliminating pinch points and areas that cause delays in the current road layout. This will clearly

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require a multi-agency approach, and involve close working with Hampshire County Council and others.

## 8 Objectives and Policies

8.54 Among the issues raised by the community in 2015 when the Neighbourhood Plan

### Aim 6

### Objectives

To enhance the prospects for employment locally

- 6.1 To seek the provision of suitable internet connections for business premises and home workers.
- 6.2 To protect existing employment opportunities and the retention of small and independent shops within the Parish.

### Policies

- EMP1** Support knowledge-based businesses and the digital economy by seeking to ensure good access to high speed broadband and evolving communication technology for businesses and home workers throughout the Parish.

### Action points

- ~~**EMP-AP1** Undertake further research and review approaches taken by other local councils and local planning authorities, to ensure that the Parish keeps up to date and benefits from examples of best practice in supporting the digital economy from across the UK and globally.~~
- ~~**EMP-AP2** Linked to Aim 9, in the event that major port proposals come forward, ensure that opportunities for local employment opportunities (digital and otherwise) are part of the ongoing dialogue with the landowner and the local planning authorities.~~

## 8 Objectives and Policies

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project was first discussed was a concern to maintain the economic vibrancy provided by local businesses. It was also clearly articulated at that time that maintaining and improving travel links to Southampton were priorities for economic and other reasons. There is a strong desire to safeguard and enhance the prospects for employment locally, so that the parish will continue to thrive and have a secure and sustainable economic future.

- 8.55 In the 2018 local business survey (ref 11.1), a clear majority of respondents felt it was important to protect existing employment sites from changes of use, for example to residential. There was also strong support for facilitating home working.
- 8.56 To maintain economic vibrancy into the future, the Parish Council believes it will be particularly important to do whatever it can to support the rapidly evolving digital economy.
- 8.57 Policy EMP1 seeks to achieve this by supporting knowledge-based businesses and good access to high speed broadband and evolving communication technology. This Policy is also supported by two Action Points. To keep pace with the rapid advances in digital technology, Action Point EMP-AP1 [in Annex 1 of this Plan](#) sets out the Parish Council's commitment to keep abreast of research and evolving best practice in this field, so that the Parish can benefit from experience gained by others. Action Point EMP-AP2 [in Annex 1](#) (linked to Aim 9) is a commitment to ensure that in the event that major port development comes forward, the ongoing dialogue with the landowner and local authorities should include discussion of opportunities for local employment, whether digital or not.
- 8.58 Objective 6.2 is to minimise the loss of existing employment opportunities in the Parish, and to retain as far as possible the small local and independent shops in Hythe and the other smaller centres which are a vital part of local community life, contribute to the distinctiveness of the area and are also of particular value to elderly and less mobile residents and those who do not have access to private transport. In the current economic and planning environment, it is proving very challenging to meet this objective, but the approach taken by Policy 22 in the emerging New Forest District Local Plan Review 2016-2016 Part 1 is considered to

## 8 Objectives and Policies

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offer a sensible and practical way of addressing the issue, and also has the support of Hampshire County Council, so it is not necessary for the Neighbourhood Plan to include additional policies to meet Objective 6.2.

## 8 Objectives and Policies

### Aim 7

### Objectives

#### To reduce crime, anti-social and nuisance behaviour

- 7.1 To ensure that the layout of all new development and regeneration of existing is designed to reduce the current negative impact of crime, nuisance and anti-social behaviour.
- 7.2 To ensure that all new development including redevelopment of existing sites provides sufficient parking for residents and additional parking for essential visitors, such as doctors and nurses.
- 7.3 To ensure that crime and anti-social behaviour implications are taken into account in the formulation of maintenance plans for new cycleways and footpaths arising through the statutory planning system.

### Policies

- C1** The layout and design of all new development and the regeneration of existing development in Hythe and Dibden will be required to demonstrate what steps have been taken to reduce the negative impact of crime, nuisance and anti-social behaviour.

*[Note – refer also to Policy D2]*

- ~~**C2** All new residential development in Hythe and Dibden will be required to provide sufficient parking for residents and for~~



## 8 Objectives and Policies

~~essential visitors such as doctors and nurses.~~

- C3** Management and maintenance plans for new cycleways and footpaths in Hythe and Dibden submitted as part of the planning application process will be required to demonstrate that crime and anti-social implications have been fully taken into account.

*[Note – refer also to Policy T6]*

### Action points

- ~~**C-AP1** HDPC Planning Committee will assess all planning applications within the parish and send comments to the local planning authority on crime, nuisance and anti-social behaviour issues as appropriate.~~
- ~~**C-AP2** HDPC Planning Committee will assess all planning applications within the parish and send comments to the local planning authority on parking provision as appropriate.~~
- ~~**C-AP3** HDPC Planning Committee will assess all planning applications within the parish and send comments to the local planning authority on cycleways and footpaths as appropriate.~~

## 8 Objectives and Policies

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- 8.59 Minimising crime and anti-social behaviour is an integral part of achieving sustainable development. If crime and anti-social behaviour increase, community cohesion is eroded, and without interventions which may be difficult and costly to put in place, environmental degradation and loss of economic confidence can ultimately ensue. Reducing crime and anti-social behaviour is therefore inextricably linked to environmental and economic sustainability, as well as to social sustainability.
- 8.60 Planning has an important role to play in ensuring that new development does not inadvertently lead to future problems of crime and anti-social behaviour through lack of attention to these matters at the initial project planning and scheme design stages.
- 8.61 Whilst it is true that crime rates in the Parish, and indeed across the district, are well below the national average, the impact of crime, nuisance and anti-social on victims is distressing and often traumatic for the individuals and their families, and therefore deserves to be a key focus for action, as has been consistently confirmed in local consultations and surveys.
- 8.62 Over the past 30 years, a considerable body of evidence and expertise has developed concerning the relationship of crime and anti-social behaviour to the planning, design and layout of the built environment, commonly referred to as Crime Prevention Through Environmental Design (CPTED) (ref 12.6). The early police Secured by Design (SBD) initiative has evolved into a much more sophisticated source of guidance than it was in its early days, and now has a range of relevant guidance applicable to different types of development (ref 12.5). A wealth of practical advice and links to a wide range of relevant information sources may also be found at 'The Crime Prevention Website' (ref 12.4).
- 8.63 The Parish Council itself has considerable experience and expertise in addressing crime and anti-social behaviour. It already works closely with the police and with a range of other partners including New Forest District Council to address these issues, through the Safer New Forest Partnership (refs 12.1 and 12.2).

## 8 Objectives and Policies

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8.64 Specific matters raised by the community in the summer 2018 consultation included:

- Support local community policing;
- Ensure community safety;
- Provide sufficient car parking (to reduce nuisance, neighbour disputes and general frustration); and
- Tackle issues of vegetation maintenance along cycleways and footpaths.

8.65 Policy C1 aims to ensure that the layout of all new development (and regeneration of existing) is designed to reduce the current negative impact of crime, nuisance and anti-social behaviour. Unless the development is of such a scale and significance that a separate assessment report is warranted, the most practical and efficient means of demonstrating that crime and anti-social behaviour have been adequately addressed will normally be for these matters to be incorporated into the Design and Access Statement (DAS), since as set out in Policy D2 above this will become a routine requirement for the vast majority of applications. This approach accords with Secured by Design advice (ref 12.5), since as stated in SBD New Homes 2014 (page 7): “Design and Access Statements for outline and detailed applications should demonstrate how crime prevention measures have been considered in the design of the proposal.” This approach reinforces the important principle that minimising the potential for crime and anti-social behaviour should be an integral part of the design process and the achievement of sustainable development, rather than being treated as a separate independent matter.

~~8.66 Policy C2 seeks to ensure that all new development (including redevelopment of existing sites) provides sufficient parking for residents and additional parking for essential visitors, such as doctors and nurses to reduce the frustration and nuisance caused by lack of adequate on-site parking.~~

## 8 Objectives and Policies

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- 8.67 The aim of Policy C3 is to ensure that crime and anti-social behaviour implications are fully considered when maintenance plans are drawn up for new cycleways and footpaths.

## 8 Objectives and Policies

### Aim 8

### Objectives

To reduce the likelihood and impact of flooding through coastal and fluvial causes

8.1 To ensure all proposals for housing and business premises in coastal flood risk Zones 2 and 3, having been subject to the sequential test and having satisfied the exception test, have baseline levels that meet prevailing Environment Agency recommendations.

8.2 To ensure the provision of coastal flood prevention measures to a constant height to protect the low-lying areas of Hythe currently being flooded at periods of inclement weather and enhanced high tides.

8.3 To ensure the provision of suitable mechanisms to reduce the likelihood of fluvial floodwater.

8.4 To ensure that current storm water removal systems are efficient and can cope with the maximum fluvial flows and rainfall without backing up and overflowing

8.5 To ensure that all new build development affecting drainage is only permitted consequent to demonstrating no adverse effect on existing water removal systems.

### Policies

F1 In line with the application of the Sequential Test, any future development within the Hythe and Dibden area will be directed to the areas at the lowest probability of flooding (Flood Zone 1).

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## 8 Objectives and Policies

Development will not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Sequential Test should be informed by the Strategic Flood Risk Assessment for the area, as well as other background documents such as the District Council's Strategic Housing Land Availability Assessment. Applications for development should be accompanied by a site-specific Flood Risk Assessment setting out flood risk mitigation measures. All new housing and business development proposals in coastal flood risk Zones 2, 3a and 3b should be subject to the sequential test and satisfy the exception test, and will be required to have finished floor levels that accord with prevailing Environment Agency advice.

**F2** To promote the delivery of coastal flood risk management infrastructure, ensuring that it provides a level of protection that includes climate change allowances, any coastal flood risk management measures should have regard to relevant strategies including the New Forest District Council Strategic Flood Risk Assessment and the Shoreline Management Plan. To promote the provision of coastal flood prevention measures to a constant height to defend adjacent land against a 1 in 200 or greater annual probability of marine tidal flooding (in accordance with prevailing advice from the Environment Agency), in order to protect the low-lying areas of Hythe currently being flooded at periods of inclement weather and enhanced high tides.

**F3** All new development in Hythe and Dibden affecting drainage will be required to take reasonable measures to demonstrate

## 8 Objectives and Policies

that the wider drainage network has adequate capacity and is operating effectively, and that the proposed development will have no adverse impact on the existing network.

Should water or wastewater network reinforcements be required, development will be co-ordinated with the provision of the necessary infrastructure, in liaison with the service provider.

Proposals for new and improved utility infrastructure by service providers will be encouraged and supported in order to meet the identified needs of the community.

### Action points

- ~~F-AP1 Evidence will be gathered and presented to the Environment Agency to support the case for completion of the sea wall defences, and in particular to support the intended Hythe Coastal Flood Alleviation Scheme scheduled to commence in 2020/21.~~
  
- ~~F-AP2 Evidence will be gathered and presented to the Environment Agency and Hampshire County Council to support fluvial flood alleviation schemes, and in particular to support the intended Hythe Centre Watercourse Flood Alleviation Scheme being led by the Environment Agency scheduled to commence in 2021/22, and the Hythe Surface Water Flood Alleviation Scheme (Butts Ash Lane) being led by Hampshire County Council scheduled to commence in 2023/24 (indicative dates~~

## 8 Objectives and Policies

~~only).~~

~~**F-AP3** Evidence will be gathered and presented to Southern Water and to Hampshire County Council (as Lead Local Flood Authority) to support the case for improvement of valve systems from surface water drains to the sea.~~

~~**F-AP4** To liaise with Southern Water and Hampshire County Council with respect to current water removal systems in Hythe, and actively work with them to ensure that improvements are made to the system as a whole.~~

~~**F-AP5** Southern Water will be formally requested to ensure that all its planning consultation responses within the parish of Hythe and Dibden are accompanied by drainage system maps of the area, in order to allow the Parish Council Planning Committee to undertake monitoring and verify that Policy F3 is being complied with.~~

8.68 Flooding is a matter of significant concern to residents within the Parish, especially in Hythe, parts of which are subject to tidal flooding. The height of the existing sea wall is currently variable, so there is a need to bring it up to a constant height, and there is also local concern to future-proof Hythe against rising sea levels. There are particular issues of localised flooding in South Street. Feedback from local consultation also highlights the need to ensure that new building takes full account of flood risk and rising sea levels, and the need to ensure that public drainage systems are kept in good order.

8.69 Policies F1, F2 and F3 are intended to ensure that:



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- New housing and business premises in areas subject to tidal flooding are built with sufficiently elevated floor levels;
- Coastal flood prevention measures are provided to a constant height to protect the low-lying areas of Hythe currently being flooded at periods of inclement weather and enhanced high tides;
- Suitable mechanisms are in provided to reduce the likelihood of riverine floodwater; and that
- New build proposals should demonstrate that current water removal systems are operating efficiently and have adequate capacity to take any additional flows resulting from the development.

8.70 Actual flood levels that buildings or defences will need to be designed to will depend on a number of factors including (a) the type of development and its vulnerability as defined by the NPPF, (b) the lifespan of the building or defences, and (c) the required freeboard, which is the allowance made to take account of wave action over and above predicted still water levels.

8.71 Policy F3 seeks to ensure that as an integral part of new development, reasonable measures should be taken to demonstrate that there is sufficient capacity in the existing drainage network and that no adverse impact on flooding or drainage will result.

8.72 With reference to Action Point F-AP2 [set out in Annex 1 of this Plan](#), Hampshire County Council wishes to make clear that flood alleviation schemes are only provisionally programmed initially, so dates for implementation should be taken as indicative, since more detailed assessments of cost, practicality and wider environmental effects will inform final decisions on implementation and timing.

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### Aim 9

### Objectives

In the event of major port development on Dibden Bay reclaim, to create a multifunctional buffer zone to positively manage the interface with the surrounding land

The objectives of the Buffer Zone will be to:

9.1 Act as multifunctional green infrastructure

9.2 Provide a creative and integrated approach to mitigating negative environmental and community impacts

9.3 Support an environmentally focussed approach to the use and development of the land

~~9.4 Support sustainability, including sustainably managed economic growth~~

~~9.59.4~~ Support local as well as national infrastructure planning

~~9.69.5~~ Assist in creating and maintaining a place that is attractive to residents and visitors

~~9.79.6~~ Support public health, active lifestyles and community wellbeing

### Policies

(contingent on proposals for port development on the Dibden Bay reclaim coming forward)

**BZ1** Seek to ensure that the operational boundaries of the port are realistically defined to include sufficient land to meet reasonably anticipated future needs for future growth and ancillary port-related development commensurate with the

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very significant existing environmental constraints, in order to minimise future pressure for boundary extensions.

**BZ2** Promote the establishment of a Buffer Zone around the operational port land, whose primary function will be to act as multi-functional green infrastructure, the objectives of which will include

- a) Provide a creative and integrated approach to the mitigation of negative environmental and community impacts
- b) Support an environmentally focussed approach to the use and development of the land

~~e) Support sustainability, including sustainably managed economic growth~~

~~e)c) \_\_\_\_\_~~ Assist in creating and maintaining a place that is attractive to residents and visitors

~~e)d) \_\_\_\_\_~~ Support public health, active lifestyles and community wellbeing.

**BZ3** Seek to ensure that the extent of the Buffer Zone is sufficient to allow it to meet all its objectives effectively, and to provide sufficient separation between operational port land and nearby residential properties to adequately reduce or mitigate adverse environmental effects including noise, light and air pollution. ~~It is expected that t~~he boundaries of the Buffer Zone will need to extend ~~sufficiently at least 500 metres~~ beyond the operational port boundary (once defined) including essential infrastructure, to fulfil its functional objectives and ensure the necessary protection of the natural drainage pattern.

## 8 Objectives and Policies

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### Action points

(contingent on proposals for port development on the Dibden Bay reclaim coming forward)

~~**BZ-AP1** Wherever possible, seek a co-ordinated approach with the local planning authorities in respect of policies and responses to major port development.~~

~~**BZ-AP2** Establish constructive dialogue and seek to work with the landowner, the local planning authorities and other relevant bodies in the development of detailed proposals for the Buffer Zone.~~

~~**BZ-AP3** Seek to work with the landowner and other interested parties in the development of a long-term strategy and detailed plans for the management of the Buffer Zone.~~

8.73 The decision as to whether or not major port development will be permitted at Dibden Bay will be taken by the government under the Nationally Significant Infrastructure Projects provisions, and not by the Neighbourhood Plan or by the Local Planning Authorities. What the Neighbourhood Plan can do is to seek to ensure that if major port development occurs, negative impacts on the local community are minimised, and opportunities for potential community benefits are not missed.

## 8 Objectives and Policies

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8.74 The Parish Council believes the best way to do this is to seek the creation of a buffer zone around any new port that would:

- Help prevent future inappropriate expansion;
- Act as multi-purpose green infrastructure;
- Offer a creative and integrated approach to the mitigation of negative environmental and community impacts;
- Support an environmentally focussed approach to the use and development of the land;
- ~~Support sustainably managed economic growth;~~
- Help create and maintain a place that is attractive to residents and visitors; and
- Support public health, active lifestyles and community wellbeing.

8.75 This is what Policies BZ1, BZ2 and BZ3 seek to achieve. The Policies and Actions for a Buffer Zone are entirely contingent on major port development occurring. In the absence of such development they will have no effect.

8.76 The Parish Council's view is that it is likely to achieve better outcomes for the local community in the long run by engaging with the relevant authorities and the landowner, seeking constructive dialogue and promoting imaginative and co-operative ways of assimilating such development (should it occur) into the local area in ways that minimise potential harms and maximise potential gains environmentally, socially and economically.

8.77 Meetings have been held with the landowner, Associated British Ports, who is supportive of the approach being taken, and considers that the Parish Council's suggested aims in relation to possible future port development are 'sensible and practical'. Both local planning authorities strongly support the approach. New Forest District Council has commended the Parish Council for 'putting forward

## 8 Objectives and Policies

positive measures which seek to address the impacts that port development at Dibden Bay may have on their community.’

- 8.78 However, feelings run high on this issue amongst local residents. There is widespread and strong local opposition to port development at Dibden Bay. Given this, it is noteworthy and encouraging that in the summer 2018 initial public consultation, 88% of those who responded (44 out of 50) supported the Buffer Zone approach being taken, notwithstanding the opposition to the principle of port development that they frequently expressed at the same time. This would suggest that the logic of the pragmatic and realistic approach being advocated by the Parish Council is understood and widely accepted by the local community.
- 8.79 It is often observed that land immediately surrounding a major port comes under intense pressure to accommodate ancillary or overspill activities associated with the operational port. This is of course operationally convenient and economically advantageous, but can be environmentally harmful. It would be particularly harmful were it to occur in the case of Dibden Bay due to the high sensitivity of the local environment and the proximity of the National Park.
- 8.80 The intention of Policy BZ1 is to seek to reduce the likelihood of such pressure on land outside but close to the boundaries of the port.
- 8.81 Policy BZ2 sets out the principal objectives for a Buffer Zone, but there is no existing precedent or model elsewhere in the UK that could serve as a ready-made template. The precise details of the buffer zone will therefore need to be formulated through the development of imaginative and innovative approaches, coupled with continuing dialogue with the landowner, with the local planning authorities and relevant statutory bodies, and with the full engagement of the local community.

~~8.82 — The stated objectives for the buffer zone are predominantly environmentally focussed, but also include support for sustainably managed economic growth.~~

## 8 Objectives and Policies

~~Although, at first glance, environmental protection and economic growth might appear to be pulling in opposite directions, the Parish Council's understanding of sustainable economic growth is growth that is not merely sustainable in a narrow business sense, but is also sustainable in the social and environmental dimensions as well, by virtue of working with local communities not against them, respecting the value of natural resources, and demonstrating a commitment to minimising environmental harms and creating opportunities for environmental and social gains.~~

- 8.83 The planning balance between local and national economic benefits and potential community and environmental effects will be tested elsewhere, if and when detailed port proposals come forward, but the Neighbourhood Plan has the potential to contribute to making economic growth in its area more sustainable in the broadest sense, by engaging positively with the landowner, the relevant authorities and others, so that business expertise, environmental expertise and social/community expertise may be jointly harnessed, increasing the prospects of achieving genuinely sustainable outcomes.
- 8.84 Determining the precise boundary of the Buffer Zone will be a delicate task. It will of course need to reflect the boundary of the operational port land when this is established. The intention of Policy BZ3 is to ensure that the boundaries of the Buffer Zone are drawn realistically, to allow it to meet its objectives and to ensure that natural drainage systems are adequately protected.





## 9—Summary of Action Points

### Hythe and Dibden Neighbourhood Development Plan

#### Summary of action points

##### Aim 1

D-AP1 Local distinctiveness guidance for Hythe and Dibden will be commissioned, informed by input from the community, to promote higher standards of design and greater responsiveness to local environmental context.

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##### Aim 2

H-AP1 Work closely with NFDC housing and planning officers to ensure that local needs and local connections are reflected to the fullest extent possible in housing policies and practices, and that a suitable mix of housing types and sizes is provided to meet the needs of local people, to retire to, and for young families, couples and single people to start their first home.

H-AP2 Respond to Local Plan consultations and work closely with both local planning authorities to ensure that Local Plan housing policies reflect local needs and local connections to the fullest extent possible, and where opportunities arise to influence national policy in pursuit of the same objectives.

##### Aim 3

ENV-AP1 A draft Schedule of Community Assets is being prepared by the Parish Council, and will be consulted on and refined during 2019 and 2020. Once it has been formally approved, the assets identified will become protected

## 9 Summary of Action Points

under Local Plan policies supporting local distinctiveness (Policy CS3 for assets outside the National Park, and Policy CS8 for assets within the National Park). Once completed, the schedule will be subject to regular monitoring and review and to periodic updating.

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ENV-AP2 Feasibility and site investigation work will be undertaken in order to identify one or more suitable sites to meet the recognised needs of local residents for burial of the deceased in an environmentally enhancing setting.

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ENV-AP3 Investigations will be undertaken and a local partnership convened of public, private and voluntary sector partners who provide and/or manage open space with the parish. (To be undertaken under the RevitalHythe initiative.)

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ENV-AP4 Investigations will be undertaken and a local partnership convened of public, private and voluntary sector partners who look after the heritage assets of the parish. (To be undertaken under the RevitalHythe initiative.)

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ENV-AP5 Investigations will be undertaken and a local partnership convened of public, private and voluntary sector partners who look after the community assets of the parish. (To be undertaken under the RevitalHythe initiative.)

### Aim 4

WEL-AP1 The Parish Council will collect evidence on the problems associated with on street parking and traffic congestion in and around the village centre, taking advice from HCC on the best way of doing so. Informed by the evidence gathered, the Parish Council will work with HCC and other agencies to promote improvements to the village centre infrastructure to address air

## 9—Summary of Action Points

pollution, congestion, parking and road safety issues, including (if supported by the evidence gathered) detailed investigation into the feasibility of partial closure to traffic or creation of a one-way system in the village centre.

WEL-AP2 Further opportunities to promote food sustainability will be provided, including the provision of land for an educational community-based *Grow Your Own Food* project and support for the provision of new allotments.

### Aim 5

T-AP1 The Parish Council will actively work with and support Hythe Pier Heritage Association in its work to safeguard the Pier, the Pier Railway and the Ferry.

T-AP2 The Parish Council will undertake an assessment of the existing footpaths and cycleways within the Parish to identify what improvements are needed.

T-AP3 The Parish Council will undertake necessary feasibility work and seek opportunities arising from new development and otherwise for the provision of new cycleways and footpaths giving safe and convenient routes for all the community.

T-AP4 The Parish Council will explore with HCC the most practical ways to remedy existing traffic pinch points and areas that cause delays in the current road layout, in particular in the village centre where the problems are currently most acute, mindful of HCC's funding priorities which are focussed on safety and mitigation necessitated by new development. It is recognised that reducing the use of private vehicle and encouraging more active travel (human powered) will help address these issues, and may ultimately be the most productive approach.

## 9— Summary of Action Points

### Aim 6

- EMP-AP1** Undertake further research and review approaches taken by other local councils and local planning authorities, to ensure that the Parish keeps up to date and benefits from examples of best practice in supporting the digital economy from across the UK and globally.
- EMP-AP2** Linked to Aim 9, in the event that major port proposals come forward, ensure that opportunities for local employment opportunities (digital and otherwise) are part of the ongoing dialogue with the landowner and the local planning authorities.

### Aim 7

- C-AP1** HDPC Planning Committee will assess all planning applications within the parish and send comments to the local planning authority on crime, nuisance and anti-social behaviour issues as appropriate.
- C-AP2** HDPC Planning Committee will assess all planning applications within the parish and send comments to the local planning authority on parking provision as appropriate.
- C-AP3** HDPC Planning Committee will assess all planning applications within the parish and send comments to the local planning authority on cycleways and footpaths as appropriate.

### Aim 8

## 9—Summary of Action Points

- F-AP1** Evidence will be gathered and presented to the Environment Agency to support the case for completion of the sea wall defences, and in particular to support the intended Hythe Coastal Flood Alleviation Scheme scheduled to commence in 2020/21.
- F-AP2** Evidence will be gathered and presented to the Environment Agency and Hampshire County Council to support fluvial flood alleviation schemes, and in particular to support the intended Hythe Centre Watercourse Flood Alleviation Scheme being led by the Environment Agency scheduled to commence in 2021/22, and the Hythe Surface Water Flood Alleviation Scheme (Butts Ash Lane) being led by Hampshire County Council scheduled to commence in 2023/24 (indicative dates only).
- F-AP3** Evidence will be gathered and presented to Southern Water and to Hampshire County Council (as Lead Local Flood Authority) to support the case for improvement of valve systems from surface water drains to the sea.
- F-AP4** To liaise with Southern Water and Hampshire County Council with respect to current water removal systems in Hythe, and actively work with them to ensure that improvements are made to the system as a whole.
- F-AP5** Southern Water will be formally requested to ensure that all its planning consultation responses within the parish of Hythe and Dibden are accompanied by drainage system maps of the area, in order to allow the Parish Council Planning Committee to undertake monitoring and verify that Policy F3 is being complied with.

**Aim 9** *NB Action points for Aim 9 are contingent on proposals for port development*

## 9— Summary of Action Points

*on the Dibden Bay reclaim coming forward*

- BZ-AP1**      Wherever possible, seek a co-ordinated approach with the local planning authorities in respect of policies and responses to major port development.
  
- BZ-AP2**      Establish constructive dialogue and seek to work with the landowner, the local planning authorities and other relevant bodies in the development of detailed proposals for the Buffer Zone.
  
- BZ-AP3**      Seek to work with the landowner and other interested parties in the development of a long-term strategy and detailed plans for the management of the Buffer Zone.

~~10.1—Once this draft Plan has been submitted to New Forest District Council and the New Forest National Park Authority, they will then initiate further formal processes including their own consultations, and subsequently arrange for the Plan to be assessed through independent Examination. Following this, and subject to any further changes arising from the Examiner’s report, the Plan is subject to ratification through a referendum at which the electorate votes on whether to support the Plan. If the Plan is supported by the majority of those who vote the Plan is adopted or ‘made’.~~

10.2 The formal adoption, or ‘making’, of the Hythe and Dibden Neighbourhood Plan is ~~Once the Plan has been formally ‘made’ this will be~~ a significant milestone, but it is not the end of the process because Hythe and Dibden Parish Council will ~~then~~ be taking active steps through engagement with partners and community to ensure that the policies and actions bear fruit, and that the intended outcomes of the Plan are delivered. Alongside the Neighbourhood Development Plan the Council will continue to develop, review and implement the RevitalHythe Action Plan that will continue to be a valuable means of delivering improvements to the Parish that fall outside the province of the Neighbourhood Development Plan.

#### **Local Plan Review**

10.3 The continuing review work on the New Forest District Council Local Plan and the New Forest National Park Local Plan will have implications for Hythe and Dibden. The Parish Council will continue to liaise closely with the District Council and the National Park Authority to influence the outcomes in relation to the new Local Plans.

#### **Community aspirations not included in this Plan**

10.4 Earlier drafts of the Neighbourhood Plan that were consulted on in the spring and summer of 2018 included a number of suggested site allocations, for housing, open space, allotments, park & ride infrastructure, burial grounds and cycleways.

~~Although there was strong community support for these proposed site allocations it~~ was not possible to include them in the Plan being taken forward, because the very substantial requirements for technical investigations and feasibility studies under

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current planning regulations exceeded the resources available to the Parish Council to be achievable without seriously delaying the delivery of the Plan.

- 10.5 The community aspirations not included this Plan are set out in ‘Report B – Future community aspirations’, which constitutes a non-statutory companion document to this Plan. It should be emphasised that Report B does not form part of the ‘made’ Neighbourhood Plan and therefore has no weight as a material planning consideration; or status as part of the statutory ‘development plan’ for the relevant areas of New Forest District and the New Forest National Park. The Parish Council will maintain its focus on these aspirations, test their merits against the necessary technical and policy criteria and, subject to the outcomes, seek opportunities to realise these aspirations, for example through influencing successive stages of the Local Plan review processes currently underway in both local planning authorities, or through other avenues.

#### **Deloitte Economic Development Study**

- 10.6 There is expected to be ongoing dialogue with the private and public sector partners in relation to a study that is aiming to deliver recommendations for work to provide economic development along the Waterside.

#### **Monitoring**

- 10.7 Hythe and Dibden Parish Council intends to monitor progress with the Neighbourhood Development Plan on an annual basis that will be in addition to any statutory monitoring by the District Council or National Park Authority.



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## **Annex 1 – Actions dealing with non-land use matters**

The Government’s National Planning Practice Guidance (NPPG) resource on ‘Neighbourhood Planning’ confirms that Neighbourhood Plans should contain policies for the development and use of land. This is because the adopted (or ‘made’) Neighbourhood Plan is part of the statutory development plan for the area and will be used to help determine planning applications within the parish of Hythe and Dibden.

The NPPG is clear that wider community aspirations than those relating to the development and use of land need to be clearly identifiable if they are to be included as part of the Neighbourhood Plan. The NPPG advises that this can be done through the use of a companion document or annex.

The Neighbourhood Plan-making process identified a number of relevant actions that will support the delivery of the Plan’s objectives and policies, but which lie outside the scope of the land use planning system. These actions are set out in this annex of the Neighbourhood Plan and relate to non-land use matters.

### Neighbourhood Plan Action points relating to non-land use matters

#### **Aim 1 To promote high standards of design in the built and natural environment**

D-AP1 Local distinctiveness guidance for Hythe and Dibden will be commissioned, informed by input from the community, to promote higher standards of design and greater responsiveness to local environmental context.

#### **Aim 2 To support the provision of suitable housing opportunities for the local community**

H-AP1 Work closely with NFDC housing and planning officers to ensure that local needs and local connections are reflected to the fullest extent possible in housing policies and practices, and that a suitable mix of housing types and sizes is provided to meet the needs of local people, to retire to, and for young families, couples and single people to start their first home.

H-AP2 Respond to Local Plan consultations and work closely with both local planning authorities to ensure that Local Plan housing policies reflect local needs and local connections to the fullest extent possible, and where opportunities arise to influence national policy in pursuit of the same objectives.

#### **Aim 3 To seek opportunities to conserve and enhance the landscape, recreational, ecological and historic assets of the parish both inside and outside the National Park, and minimise the environmental impact of development**

ENV-AP1 A draft Schedule of Community Assets is being prepared by the Parish Council, and will be consulted on and refined during 2019 and 2020. Once it has been formally approved, the assets identified will become protected under Local Plan policies supporting local distinctiveness (Policy CS3 for assets outside the National Park, and Policy CS8 for assets within the National Park). Once completed, the schedule will be subject to regular monitoring and review and to periodic updating.

ENV-AP2 Feasibility and site investigation work will be undertaken in order to identify one or more suitable sites to meet the recognised needs of local residents for burial of the deceased in an environmentally enhancing setting.

ENV-AP3 Investigations will be undertaken and a local partnership convened of public, private and voluntary sector partners who provide and/or manage open space with the parish. (To be undertaken under the RevitalHythe initiative.)

ENV-AP4 Investigations will be undertaken and a local partnership convened of public, private and voluntary sector partners who look after the heritage assets of the parish. (To be undertaken under the RevitalHythe initiative.)

ENV-AP5 Investigations will be undertaken and a local partnership convened of public, private and voluntary sector partners who look after the community assets of the parish. (To be undertaken under the RevitalHythe initiative.)

#### **Aim 4 To promote public health and wellbeing**

WEL-AP1 The Parish Council will collect evidence on the problems associated with on street parking and traffic congestion in and around the village centre, taking advice from HCC on the best way of doing so. Informed by the evidence gathered, the Parish Council will work with HCC and other agencies to promote improvements to the village centre infrastructure to address air pollution, congestion, parking and road safety issues, including (if supported by the evidence gathered) detailed investigation into the feasibility of partial closure to traffic or creation of a one-way system in the village centre.

WEL-AP2 Further opportunities to promote food sustainability will be provided, including the provision of land for an educational community-based *Grow Your Own Food* project and support for the provision of new allotments.

#### **Aim 5 To secure and support existing and new transport provision as an alternative to the use of private vehicles**

T-AP1 The Parish Council will actively work with and support Hythe Pier Heritage Association in its work to safeguard the Pier, the Pier Railway and the Ferry.

T-AP2 The Parish Council will undertake an assessment of the existing footpaths and

cycleways within the Parish to identify what improvements are needed.

T-AP3 The Parish Council will undertake necessary feasibility work and seek opportunities arising from new development and otherwise for the provision of new cycleways and footpaths giving safe and convenient routes for all the community.

T-AP4 The Parish Council will explore with HCC the most practical ways to remedy existing traffic pinch points and areas that cause delays in the current road layout, in particular in the village centre where the problems are currently most acute, mindful of HCC's funding priorities which are focussed on safety and mitigation necessitated by new development. It is recognised that reducing the use of private vehicle and encouraging more active travel (human powered) will help address these issues, and may ultimately be the most productive approach.

#### **Aim 6 To enhance the prospects for employment locally**

EMP-AP1 Undertake further research and review approaches taken by other local councils and local planning authorities, to ensure that the Parish keeps up to date and benefits from examples of best practice in supporting the digital economy from across the UK and globally.

EMP-AP2 Linked to Aim 9, in the event that major port proposals come forward, ensure that opportunities for local employment opportunities (digital and otherwise) are part of the ongoing dialogue with the landowner and the local planning authorities.

#### **Aim 7 To reduce crime, anti-social and nuisance behaviour**

C-AP1 HDPC Planning Committee will assess all planning applications within the parish and send comments to the local planning authority on crime, nuisance and anti-social behaviour issues as appropriate.

C-AP2 HDPC Planning Committee will assess all planning applications within the parish and send comments to the local planning authority on parking provision as appropriate.

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C-AP3 HDPC Planning Committee will assess all planning applications within the parish and send comments to the local planning authority on cycleways and footpaths as appropriate.

**Aim 8 To reduce the likelihood and impact of flooding through coastal and riverine causes**

F-AP1 Evidence will be gathered and presented to the Environment Agency to support the case for completion of the sea wall defences, and in particular to support the intended Hythe Coastal Flood Alleviation Scheme scheduled to commence in 2020/21.

F-AP2 Evidence will be gathered and presented to the Environment Agency and Hampshire County Council to support fluvial flood alleviation schemes, and in particular to support the intended Hythe Centre Watercourse Flood Alleviation Scheme being led by the Environment Agency scheduled to commence in 2021/22, and the Hythe Surface Water Flood Alleviation Scheme (Butts Ash Lane) being led by Hampshire County Council scheduled to commence in 2023/24 (indicative dates only).

F-AP3 Evidence will be gathered and presented to Southern Water and to Hampshire County Council (as Lead Local Flood Authority) to support the case for improvement of valve systems from surface water drains to the sea.

F-AP4 To liaise with Southern Water and Hampshire County Council with respect to current water removal systems in Hythe, and actively work with them to ensure that improvements are made to the system as a whole.

F-AP5 Southern Water will be formally requested to ensure that all its planning consultation responses within the parish of Hythe and Dibden are accompanied by drainage system maps of the area, in order to allow the Parish Council Planning Committee to undertake monitoring and verify that Policy F3 is being complied with.

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**Aim 9**      **In the event of major port development on the Dibden Bay reclaim, to create a multifunctional buffer zone to positively manage the interface with the surrounding land**

*NB Action points for Aim 9 are contingent on proposals for port development on the Dibden Bay reclaim coming forward*

BZ-AP1      Wherever possible, seek a co-ordinated approach with the local planning authorities in respect of policies and responses to major port development.

BZ-AP2      Establish constructive dialogue and seek to work with the landowner, the local planning authorities and other relevant bodies in the development of detailed proposals for the Buffer Zone.

BZ-AP3      Seek to work with the landowner and other interested parties in the development of a long-term strategy and detailed plans for the management of the Buffer Zone.

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## Glossary

**Ancient woodland:** An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

**Conservation (for heritage policy):** The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

**Conservation Area:** An area identified and designated by the local planning authority for its special architectural or historic interest, the character and appearance of which it is desirable to conserve or enhance.

**Design & Access Statement (DAS):** A succinct report accompanying and supporting a planning application, through which the applicant explains how a proposed development is a suitable design response to the site and its setting, and demonstrates that it can be adequately accessed by prospective users. A DAS is obligatory with planning applications for major development under national guidance, and can be made a requirement for other types of planning application under local policy.

**Development plan:** Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.

**Freeboard:** A term used by the Environment Agency when formulating advice on recommended heights for sea defences, representing an additional allowance over and above the predicted still water levels based on factors such as sea level rises and tidal ranges, to take account of wave action. The freeboard allowance will vary in different coastal areas, reflecting local geography and conditions.

**Green infrastructure (GI):** A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

**Heritage asset:** A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

**Historic environment:** All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

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**Important Bird Area (IBA)** (also known as Important Bird and Biodiversity Area): An area identified using an internationally agreed set of criteria as being globally important for the conservation of bird populations. IBA was developed and sites are identified by BirdLife International.

**International, national and locally designated sites of importance for biodiversity:** All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

**Local planning authority (LPA):** The public authority whose duty it is to carry out specific planning functions for a particular area. For this parish, the two LPAs are the New Forest District Council and the New Forest National Park Authority.

**Local plan:** A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

**Nationally Significant Infrastructure Project (NSIP):** Large scale developments (relating to energy, transport, water, or waste) which require a type of consent known as “development consent”. The Planning Act 2008 introduced a new development consent process for NSIPs which was subsequently amended by the Localism Act 2011. A Development Consent Order (DCO) automatically removes the need to obtain several separate consents, including planning permission, and is designed to be a much quicker process than applying for these separately. The DCO decision is made by the Secretary of State.

**Neighbourhood plan:** A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

**Non-strategic policies:** Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

**Older people:** People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

**Open space:** All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

**Ramsar sites:** Wetlands of international importance, designated under the 1971 Ramsar Convention.



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**‘RevitalHythe’:** A Hythe & Dibden Parish Council initiative originally launched in 2008 that followed the market towns health check process and focusses on 4 main themes: Environment; Economy; Social & Community; Transport & Accessibility. This initiative provides a focus for action as the Parish plans for its future.

**Special Areas of Conservation (SAC):** Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.

**Special Protection Areas (SPA):** Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.

**Site of Special Scientific Interest (SSSI):** Sites designated by Natural England under the Wildlife and Countryside Act 1981.

**Strategic environmental assessment (SEA):** A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

**Strategic policies:** Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.

**Supplementary planning documents (SPD):** Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

**Sustainable transport modes:** Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.

**Village Design Statement:** A document produced by the community to describe the distinctive qualities and characteristics that local people value in their village and surroundings. It functions primarily as informative guidance, but may be adopted by the local planning authority as a supplementary planning document, in which case it becomes a material consideration in the determination of planning applications.

## Annex A - Community Aspirations Not Included

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Membership of the Hythe and Dibden Neighbourhood Planning Group was as follows:

Chairman and Lead on Housing:

Graham Parkes

Leads on Transport and Environment:

Dan Poole

Lead on Environment:

Jo Fowler

Lead on Young Person's Sector:

Candy Huxham

Lead on Older Person's Sector:

Peter Nutbeam

Lead on Spiritual Sector:

Rev John Currin

Other members of the Neighbourhood Planning Group are:

Chris Harrison and Trevor Johnson

The group was also pleased to receive support from officers of the New Forest District Council planning department, in particular Andrew Herring, and from officers of the New Forest National Park Authority planning department, in particular David Illsley.

It also acknowledges the support received from its own consultant Neil Williamson.

Hythe and Dibden Parish Council contributed its own financial and staff resources towards this work, however it would not have been possible without grants received from 'Locality'.



# **Report on Hythe and Dibden Neighbourhood Development Plan 2018 - 2026**

**An Examination undertaken for the New Forest District Council and for the New Forest National Park Authority with the support of the Hythe and Dibden Parish Council on the March 2019 submission version of the Plan.**

Independent Examiner: Mary O'Rourke BA(Hons) DipTP MRTPI

Date of Report: 25 June 2019

Intelligent Plans and Examinations (IPE) Ltd, Regency Offices, 37 Gay Street, Bath BA1 2NT

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### **Main Findings - Executive Summary**

From my examination of the Hythe and Dibden Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Hythe and Dibden Parish Council;
- The Plan has been prepared for an area properly designated – the whole of the parish of Hythe and Dibden shown on the map on page 9 of the Plan;
- The Plan specifies the period to which it is to take effect – 2018 to 2026<sup>1</sup>; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *The Hythe and Dibden Neighbourhood Plan 2018 to 2026*

1.1 The parish of Hythe and Dibden lies between Southampton Water to the east and the New Forest to the west. The southern part is mainly developed with well wooded residential areas whilst to the north a finger of the New Forest National Park, largely comprising open fields, woodland and heathland, stretches nearly to the water's edge. There are 4 miles of diverse shoreline including open reclaimed land to the north of Hythe known as Dibden Bay Reclaim and within the ownership of Associated British Ports (ABP), which operates Southampton Port. Hythe is an historic waterfront village; there is a ferry to Southampton and most of the centre is a designated Conservation Area with an attractive mix of Georgian and Victorian frontages. More recently, in the 1950s and 60s, with the establishment of the oil refinery at Fawley, Hythe, Dibden and

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<sup>1</sup> See paragraph 3.3 below and PM1.

Dibden Purlieu expanded rapidly and there are now more than 20,000 people living in the parish<sup>2</sup>.

- 1.2 Application was made in July 2015 to the New Forest District Council (NFDC) and to the New Forest National Park Authority (NFNPA), for that part of the parish within the National Park, for designation of the whole of the parish as a neighbourhood plan area. It was approved by both relevant authorities and the Parish Council formally notified in December 2015<sup>3</sup>. The Hythe and Dibden Neighbourhood Planning Group was established early in 2016, and operates as a sub-committee of the Parish Council, with 12 members including parish councillors and representatives of the community and business sector. The Consultation Statement, which accompanied the March 2019 submitted version of the Plan, details the stages in the Plan preparation process and the results of consultation with residents, businesses and strategic stakeholders. The Neighbourhood Plan is seen by the Parish Council as a progression from the RevitalHythe Action Plan, published in 2008, and it is anticipated that there will be subsequent documents produced including design guidance, village design statements and sustainable transport initiatives.

### *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Hythe and Dibden Neighbourhood Plan by the NFDC together with the NFNPA, with the agreement of the Hythe and Dibden Parish Council.
- 1.4 I am a chartered town planner and former government Planning Inspector, with some 40 years of experience in the public and private sector, more recently determining major planning appeals and examining development plans and national infrastructure projects. I have previous experience of examining neighbourhood plans. I am also an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

### *The Scope of the Examination*

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

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<sup>2</sup> 2011 Census.

<sup>3</sup> Formal notification of the area designation was made by NFDC on 2 December 2015 and by the NFNPA on 2 December 2015.

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development';
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;

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- Be compatible with and not breach European Union (EU) obligations; and
  - Meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations')<sup>4</sup>.

## 2. Approach to the Examination

### *Planning Policy Context*

- 2.1 Outside of the National Park, the Development Plan, not including documents relating to excluded minerals and waste development, is the New Forest District Local Plan (NFDLP), Part 1 being the Core Strategy, adopted in 2009, and Part 2 being the Sites and Development Management policies, adopted in 2014. Within the National Park, the Development Plan, not including documents relating to excluded minerals and waste development, is the New Forest National Park (NFNPA) Core Strategy and Development Management Policies, adopted in 2010.
- 2.2 Both Plans are currently under review. The submission draft of the NFNPA Local Plan 2016-2036 was published in January 2018 and submitted for Examination in May 2018, with consultation on the Inspectors' proposed main modifications having concluded at the end of May 2019. The NFDLP Review 2016-2036 Part 1 was published in June 2018 and submitted for examination in November 2018 and its Examination Hearings commenced at the start of June 2019. In accord with advice in the Government's Planning Practice Guidance (PPG)<sup>5</sup>, the Parish Council and the NFDC and NFNPA have discussed and agreed the relationship between policies in the emerging Neighbourhood Plan and their adopted and emerging Development Plans. The Basic Conditions Statement includes assessment of the Neighbourhood Plan against both the adopted and emerging Plans of the two local planning authorities.
- 2.3 Part of the Plan area is within the New Forest National Park. The two defined statutory purposes of National Parks are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for the understanding and enjoyment of their special qualities by the public. Under Section 11(2) of the National Parks and

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<sup>4</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

<sup>5</sup> PPG Reference ID: 41-009-20160211.



Access to the Countryside Act 1949, relevant authorities (which include Parish Councils) have a 'duty of regard' for the purposes of the National Park when exercising any function affecting land in a National Park. Further advice on this duty is given in the 2005 Guidance Notice issued by DEFRA<sup>6</sup>.

- 2.4 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The revision of the NPPF published in July 2018 and updated in February 2019 replaces the first NPPF published in March 2012<sup>7</sup>. All references in this report are to the February 2019 NPPF<sup>8</sup>. The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

### *Submitted Documents*

- 2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Hythe and Dibden Neighbourhood Plan, March 2019;
  - the Map on page 9 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, March 2019;
  - the Basic Conditions Statement, February 2019;
  - all the representations that have been made in accordance with the Regulation 16 consultation;
  - the responses to the questions in my procedural letter of 13 May 2019<sup>9</sup>; and
  - the Strategic Environmental Assessment Opinions prepared by the NFDC and the NFNPA.

### *Site Visit*

- 2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 13 May 2019 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

- 2.7 This examination has been dealt with by written representations. Whilst there is no right to be heard, I have noted the requests made by the NFNPA and ABP to speak at an examination hearing, if any were to be held. However, I considered hearing sessions to be unnecessary as the

<sup>6</sup> The then Department for the Environment, Food and Rural Affairs. View at: <https://www.bipsolutions.com/docstore/pdf/9947.pdf>

<sup>7</sup> Footnote 1 on page 4 of the NPPF July 2018.

<sup>8</sup> See paragraph 214 of the NPPF 2019. The Plan was submitted under Regulation 15 to the local planning authority **after 24 January 2019**.

<sup>9</sup> View at: <http://www.newforest.gov.uk/article/14180/Neighbourhood-Planning>

consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

### *Modifications*

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Hythe and Dibden Neighbourhood Plan has been prepared and submitted for examination by Hythe and Dibden Parish Council which is a qualifying body, for an area designated by the NFDC on 17 November 2015 and by the NFNPA on 1 December 2015. The Parish Council was formally notified of the area's designation on 2 December 2015.
- 3.2 It is the only Neighbourhood Plan for the parish of Hythe and Dibden, and does not relate to land outside the designated Neighbourhood Plan Area.

### *Plan Period*

- 3.3 The Plan states at paragraph 3.1 that it covers the period until 2026, being the same period as the two extant Local Plans. Whilst the Basic Conditions Statement refers to the Plan as relating to the period 2018 to 2026, this is not explicitly stated anywhere in the Plan<sup>10</sup>. The period during which the Plan should take effect should be clearly set out on the cover page and I am recommending accordingly (**PM1**).

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The Consultation Statement (March 2019) provides details of the public engagement that has taken place in the evolution of the Plan. The Parish Council decided in the summer of 2015 to develop a Neighbourhood Plan, building on previous regeneration and development work undertaken under the umbrella of the Market Towns Initiative (RevitalHythe). Following designation of the Neighbourhood Plan area to include the whole of the parish, the Parish Council set up a sub-committee to take the Plan forward. The Neighbourhood Planning Group was formed in February 2016 and consisted of 12 members, including parish councillors and representatives of various community sectors, including businesses. A range of methods was used to engage with the community and other

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<sup>10</sup> This is a legal requirement under Section 38B(1)(a) of the 2004 Act.

stakeholders during the Plan preparation period, recognising that in an area of this size there was not the resource to leaflet drop each household. The Group therefore focussed on the use of social media, electronic surveys, articles in the local free newspaper, leaflets distributed to shops and other local venues, local noticeboards, 'roadshows', talks and presentations, and a dedicated Neighbourhood Plan page on the Parish Council website where relevant documents could be accessed. In addition, written communications were sent to businesses on the Parish Council's database.

- 3.5 An initial consultation exercise with 4 roadshows was held in the autumn of 2016 to understand community concerns and an online survey elicited 115 responses which were analysed to help identify residents' key issues and priorities for the Plan to address. As work progressed on the Plan, local businesses were surveyed in March 2018, and a second round of consultation took place in the summer of 2018. A short video explaining the Plan process and the aims of the Group was shown as a trailer at the community cinema and viewed more than 460 times on YouTube. 'Roadshows' held in July and August 2018 were widely publicised including on 8 local social media groups, together with links to a further online survey. Hard copies of the survey were also made available and the responses received (59 in total) indicated a high level of support for the aims of the Plan.
- 3.6 Subsequently with concerns about the extended timing of the Local Plan reviews, the potential for a national strategic infrastructure project in the Plan area, and the need for substantial technical work to be undertaken if any site allocations were to be proposed in the Plan, the Neighbourhood Planning Group determined to reduce the scope of the Plan and omit any site allocations. Statutory consultation on the revised draft Plan (December 2018) took place between December 2018 and January 2019 and was well publicised in the area including in the Hythe Peer, a weekly email newsletter, the local free paper, on the Parish Council's website, on noticeboards, and in leaflets circulated through the area giving details of the online survey. In addition, presentations by Neighbourhood Planning Group members were given before showings at the community cinema, and roadshows with Group members in attendance were held at the Mistletoe Fayre, Hythe Marina and Tuesday Markets. Some 13 comments were received from statutory consultees with a further 12 responses from local residents and developers, as well as 11 responses to the online survey. The Consultation Statement sets out these Regulation 14 responses at sections 8.2 to 8.5.
- 3.7 The consultation responses were taken into account, where appropriate, in amending the policy wording in the submitted Plan. The Regulation 15 submitted Neighbourhood Plan was subject to a further 6-week consultation from 18 March to 29 April 2019 under Regulation 16, and I have taken account of the 11 responses received in writing this report, as well as the earlier Consultation Statement. I am satisfied that

engagement and consultation with the wider community and interested parties has been robust and thorough throughout the Plan making process; that they were kept fully informed of what was being proposed, were able to make their views known, had opportunities to be actively involved in shaping the emerging Neighbourhood Plan, and would have been aware of how their views had informed the draft Plan. I conclude that a transparent, fair and inclusive consultation process has been followed for this Neighbourhood Plan, having due regard to the advice in the PPG on plan preparation and in procedural compliance with the legal requirements.

#### *Development and Use of Land*

- 3.8 Subject to the modifications I recommend in PM2, PM4 and PM6 below, the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### *Excluded Development*

- 3.9 The Plan does not include provisions and policies for 'excluded development'.

#### *Human Rights*

- 3.10 The Basic Conditions Statement at section 5.2 states that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and the UK Human Rights Act 1998, including equality implications. The NFDC and the NFNPA have not alleged that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998). I have considered this matter independently and I have found no reason to disagree with that position.

## **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 The revised draft Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by the NFDC and the NFNPA in October/November 2018. This is a legal requirement and accords with Regulation 15(e)(1) of the 2012 Regulations. Both responsible authorities found it was unnecessary to undertake SEA and Historic England, Natural England and the Environment Agency have concurred with their assessment. Having read the SEA Screening Statements and considered the matter independently, I agree with that conclusion.
- 4.2 Hythe and Dibden is bounded by Southampton Water to the east and the New Forest National Park to the west. The north western part of the parish lies adjacent to the New Forest Special Protection Area (SPA) and

to the New Forest Special Area of Conservation (SAC) which is a Ramsar site. Reclaimed land at Dibden Bay is a Site of Special Scientific Interest (SSSI). The Plan area includes 4 miles of artificially protected or stabilised coastline. Whilst there are no saltmarshes, the foreshore is important for invertebrates and bird life and is included in the Hythe - Calshot Marshes SSSI. It is in the Solent and Southampton Water SPA, a designated Ramsar site, and part is also designated as a SAC. The Plan has been screened for Habitats Regulations Assessment (HRA) by the NFDC and the NFNPA. The authorities considered that the Plan did not have an adverse effect under the terms of the 2017 Regulations and HRA was not required. Having reviewed the Plan, Natural England confirmed that the proposals would not have significant effects on sensitive sites. On the basis of the information provided and my independent consideration, I agree that HRA is not necessary.

### *Main Issues*

4.3 Having regard for the Hythe and Dibden Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are 4 main issues relating to the Basic Conditions for this examination. These are:

- Whether the policies on design, housing, environment, wellbeing, crime and anti-social behaviour, and local employment, provide an appropriate framework to shape and direct sustainable development, having regard to national policy and guidance, and are in general conformity with strategic policies in the NFDC and NFNPA Core Strategies;
- Whether the policies in the Plan for transport meet the Basic Conditions, with particular reference to general conformity with policies in the Core Strategies for transport development;
- Whether the Plan's policies relating to coastal and fluvial flooding have appropriate regard to national policy and advice in the Secretary of State's guidance; and
- Whether the policy for a buffer zone around the port would contribute towards the achievement of sustainable development and has regard to national policy and advice.

### *Introduction*

4.4 The Foreword and Introduction to the Plan give a brief explanation of the role of neighbourhood plans and the plan making process before setting out the local planning context where part of the parish is within the New Forest National Park and subject to different planning policies than the remainder of the Plan area. Chapter 5 gives an overview of the Plan's development and consultation and Chapter 6 describes the Plan's area.

- 4.5 The Vision and Aims, which were arrived at following community involvement, are set out in Chapter 7 and envisage Hythe and Dibden in 2026 as *'well connected, firmly rooted, confident in its own identity'*. Nine main aims are identified which are then used in Chapter 8 to derive objectives and policies. This chapter includes all the Plan's policies, their justification as well as local action points. All are in the same style and size of font. Whilst the policies are distinguished by letter, for example H for housing and D for design, there are no obvious subject or theme sub-headings, and it is not an easy chapter to navigate or read. To improve the Plan's readability and useability, I strongly urge that consideration is given to the layout of the chapter, to highlighting the policies, and to using sub-headings, albeit I recognise it goes beyond my remit to recommend a modification in this respect.
- 4.6 Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. It is recognised in the PPG<sup>11</sup> that they may identify specific actions or policies to deliver these improvements. Whilst wider community aspirations can be included in a neighbourhood plan, the guidance is that actions dealing with non-land use matters should be clearly identifiable, for example set out in a companion document or annex. In the Plan, there are many action points set out after the policy/policies which are similarly indented and numbered. This gives them an undue prominence and, moreover, one that is unnecessary as these aspirations are then all listed again in Chapter 9 of the Plan. As I am not persuaded that there is any good reason for such duplication, I am recommending that, in the interests of clarity, all the action points are deleted from Chapter 8 of the Plan. As to Chapter 9, in accord with the Secretary of State's guidance<sup>12</sup>, I am recommending taking Chapter 9 out of the Plan and including it either as an annex or companion document with additional text included to clarify that these actions deal with non-land use matters (**PM2**).
- 4.7 There is already what is described in paragraph 10.5 of the Plan as a non-statutory companion document to the Plan, named on its front cover as *'Report B - Future community aspirations'*. It purports to set out community aspirations supported by the Neighbourhood Planning Group and the public *'in relation to any opportunities that might arise if the National Significant Infrastructure Project for Dibden Bay port goes ahead'*. These include identifying sites for housing, allotments, public open spaces, cycleways, a burial ground and two park and ride sites beside the railway. The NFNPA has strongly objected to the publication of this report, with its detailed land use maps including sites in the National Park, as inappropriate; that the sites are not justified by any evidence; have already been through the Local Plan review process and are not

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<sup>11</sup> PPG Reference ID: 41-004-20190509.

<sup>12</sup> PPG Reference ID: 41-004-20190509

supported; that it has the potential to cause confusion and to encourage speculative proposals; and that it should be deleted. I share these concerns. By publishing Report B at the same time and alongside the submitted Plan, I agree that there is potential for confusion as it could be seen to imply that it has some status; that the submitted Plan is, in effect, Report A. My appointment is solely to examine the submitted Plan and recommend, where necessary, modifications to meet the Basic Conditions. Nonetheless, exceptionally I make the following suggestion that the Parish Council should look again at Report B, and give serious consideration to its deletion or, at the very least, to separate it from the Neighbourhood Plan and rename it to make clear it is an informal 'wish list', and has no statutory effect.

- 4.8 The Plan includes 25 policies that fall to be considered against the Basic Conditions. When made, the Plan will form part of the Development Plan and the PPG advises that neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Policies should be concise, precise and supported by appropriate evidence<sup>13</sup>. They should also relate to the development or use of land. With this in mind, I now turn, in the following paragraphs, to address each of my four main issues.

*Issue 1 – design, housing, environment, wellbeing, crime and employment*

Design

- 4.9 It is an aim of the Plan to promote high standards of design in the built and natural environment. This accords with national policy in the NPPF which identifies good design as a key aspect of sustainable development, creating better places in which to live and work and which helps to make development acceptable to communities. Paragraph 125 notes the important role of neighbourhood plans in identifying the special qualities of their area and explaining how this should be reflected in development. Policies CS1 and CS2 in the New Forest District (outside the National Park) Core Strategy expect all new development to protect, and where possible to enhance, the environment and to be well designed, respecting the character, identity and context of the area's towns, villages and countryside. Within the National Park, strategic policies CP7 and CP8 promote local distinctiveness and development management policy DP6 sets down design principles for development with further advice in its 2011 Design Guide.
- 4.10 Consultation on the draft Plan identified local concern about the standard of design in recent developments and a desire for an additional local layer of policy support for good design to deliver a shared vision of what new development should look like in Hythe and Dibden. Policies D1 and D3 of the Plan therefore seek to ensure that local distinctiveness, character and

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<sup>13</sup> PPG Reference ID: 41-041-20140306.

context are recognised, respected and responded to in the design of new development. Work by Hampshire County Council in 2010<sup>14</sup> identified 7 different townscape character areas in Hythe and Dibden and with the curtailment of NFDC's local distinctiveness programme<sup>15</sup>, it is the intention of the Parish Council to commission its own local distinctiveness guidance to inform developers and supplement the Plan's policies.

- 4.11 To assist in delivering high standards of design, policy D2 requires all new development proposals to be supported by a Design and Access Statement (DAS). The NFNPA has expressed concern that by extending the requirements of both local planning authorities over and above the current national requirements to cover all proposals, however small, the policy is unduly onerous and disproportionate. However, it is clear from the policy wording and the justification at paragraph 8.14, that the policy is not intended to be applied excessively and that a DAS should be of a level of detail appropriate to the scale and sensitivity of the development. I am satisfied that the design policies in the Plan have regard to national policy, conform with strategic policies for the area and would contribute to the delivery of sustainable development, thus fulfilling the Basic Conditions.

### Housing

- 4.12 It is the Government's objective to significantly boost the supply of homes<sup>16</sup>. The New Forest District (outside of the National Park) Core Strategy policy CS9 identifies Hythe and Dibden as one of the Level 1 settlements of larger towns and villages, being the most sustainable locations for new development with a wide range of employment, facilities and services and where new residential development will be located in accord with policy CS10(a). The recent Strategic Housing Market Assessment (SHMA) and the 2017 report on objectively assessed housing need for the NFDC and NFNPA confirm issues raised in consultations locally of the particular needs in the parish for more smaller homes, more affordable housing and housing suitable for first time buyers and young families. It is an aim of the Plan to support the provision of suitable housing opportunities for the local community. But whilst it sets out 5 objectives for housing provision, it does not itself seek through policy to increase the supply of housing, relying instead on the strategic and development management policies in the adopted and emerging Local Plans.
- 4.13 The Plan's policy H1 proposes to limit the size of any new dwelling within the National Park to 100 square metres. This equates to a typical 3-bedroom house<sup>17</sup>, and reflects local housing need for smaller family homes

<sup>14</sup> Hampshire Integrated Character Assessment 2010 Hampshire County Council.

<sup>15</sup> See paragraph 8.12 of the Plan.

<sup>16</sup> NPPF 2019 paragraph 59.

<sup>17</sup> Technical housing standards – nationally described space standards (2015).



but also suitable for older people downsizing; recognised in the SHMA as a growing need in the area. The NFNPA supports the Neighbourhood Plan approach set out in policy H1. It is consistent with policy SP21 of the emerging NFNPA's Submission draft Local Plan 2016-2036, which I understand from recent correspondence between the Local Plan Inspectors and the NFNPA is not to be subject to any main modifications. Policy H1 clearly has had regard to the advice in the PPG<sup>18</sup> on the relationship of neighbourhood plan policies with an emerging Local Plan and also has regard to national policy in the NPPF. I consider it would contribute towards the achievement of sustainable development and would meet the Basic Conditions.

- 4.14 Paragraph 8.25 of the Plan identifies an issue in the local area where growing families wanting to extend their homes find their design, particularly of the roof space, does not facilitate the easy provision of additional living space. To address this, policy H2 encourages new houses to be designed so as to allow for the future conversion and use of the roof space to provide additional accommodation. Providing for flexible accommodation capable of future adaptation accords with policy CS13 c) of the New Forest District (outside the National Park) Core Strategy, with policy DP6 of the New Forest National Park Core Strategy, and with national policy to make effective use of land and buildings. However, I do not consider there is any need to qualify the policy by the inclusion of the word '*economically*', which could be used as an argument about increased building costs to unreasonably defeat the objective of the policy. Subject to that modification (**PM3**), I conclude that policy H2 meets the Basic Conditions.

### Environment

- 4.15 The parish of Hythe and Dibden is well endowed with environmental assets. In addition to the New Forest National Park, most of the coast is designated as being of national and international nature conservation importance. These assets, along with woodland, river corridors, other locally valued landscape and historic features in the area, are already protected under adopted and emerging Local Plan policies and so it was not considered necessary by the Neighbourhood Planning Group for the Plan to introduce any additional local policies for their protection. Paragraphs 8.31 and 8.32 set out the same approach in respect of the biodiversity net gain approach, heritage assets, and water quality.
- 4.16 Within the Plan area, there are local green spaces that are valued by their communities and policy ENV1 states that these open spaces will be protected and enhanced. The benefit of access to a network of high-quality open spaces is recognised in the NPPF at paragraph 96 as being important for the health and well-being of communities. However, policy ENV1 also allows for the loss of existing open space where this would

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<sup>18</sup> PPG Reference ID: 41-009-20190509.

provide for small-scale local needs housing, subject to meeting policy criteria. In particular, new open space will be expected to be provided that is of at least the same area and at least the same quality and accessibility as that lost so that there is no net loss of open space in terms of area and functional value. This accords with national policy in the NPPF at paragraph 97 and is in general conformity with local needs housing policies in the Core Strategies and with New Forest District (outside the National Park) Core Strategy policies CS3(m) and CS7.

- 4.17 Grouped with policy ENV1, Plan policy ENV2 seeks to encourage the provision of additional accessible natural green space in the parish so that overall the amount of available and accessible natural green space should always be increasing. However, as drafted the policy does not read as a land use policy and is unclear as to what exactly is meant by '*opportunities will be sought ...*'. I am therefore modifying the policy to clarify that such opportunities will be sought '*in new development*'. Subject to the addition of those words (**PM4**), I am satisfied that policies ENV1 and ENV2 have regard to national policy and advice and are in general conformity with strategic local plan policies. By protecting existing green space and encouraging the provision of more green space, the policies would contribute to the achievement of sustainable development and meet the Basic Conditions.

#### Public health and wellbeing

- 4.18 From the earliest city planners, there has been awareness of the impact of development and design on public health, safety and wellbeing. The Plan notes, at paragraph 8.37, recent research which has highlighted the significant influence that the built and natural environment can have on people's physical and mental health. National policy in the NPPF is that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and which enable and support healthy lifestyles<sup>19</sup>. These principles are carried forward and developed in policy CS5 of the New Forest District (outside the National Park) Core Strategy, and in the green infrastructure and access policies CP3 and CP19 of the NFNPA Core Strategy.
- 4.19 It is an aim of the Plan to promote public health and wellbeing and policy WEL1 requires development proposals to seek to support public health, active lifestyles and community wellbeing. I am satisfied that the policy, by setting out examples of ways this might be achieved, is drafted with sufficient clarity that a developer would be able to understand what they need to do and for a decision maker to apply it consistently and with confidence when determining planning applications. In that it has regard to national policy, is in general conformity with strategic policies and would contribute to the achievement of sustainable development, it fulfils the Basic Conditions.

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<sup>19</sup> NPPF 2019 paragraph 91.

4.20 Planning policies are also required by national policy to ensure that new development is appropriate for its location *'taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development'*<sup>20</sup>. In response to concerns expressed by local residents when consulted on the draft Plan, policy WEL2 seeks to ensure that new developments are designed so as not to exacerbate, and where possible ameliorate, air pollution, traffic congestion, parking and road safety issues. Subject to some minor rewording and deletion of the word *'current'* (**PM5**), which is not justified in any meaningful way in the supporting text, I am satisfied that the policy has regard to national policy and is in general conformity with policies in both Core Strategies<sup>21</sup> and thus meets the Basic Conditions.

#### Crime, anti-social and nuisance behaviour

- 4.21 Although crime rates in Hythe and Dibden are below the national average, local consultations and surveys have identified crime and anti-social behaviour as a concern of residents and a key focus for action. The Plan explains at paragraph 8.63 that the Parish Council has considerable experience and expertise in addressing crime and anti-social behaviour and already works closely with the police and a range of other partners, including NFDC, to address these issues, through the Safer New Forest Partnership.
- 4.22 It is an objective of national planning policy to achieve safe and accessible places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion<sup>22</sup>. The Plan refers at paragraph 8.62 to research on the relationship between crime and anti-social behaviour and the planning, design and layout of the built environment, including Secured By Design. To this end, policy C1 requires proposals for development, in their Design and Access Statements (required by policy D2) to demonstrate what steps have been taken to reduce the negative impact of crime, nuisance and anti-social behaviour. Policy C3 requires similar consideration to be given to proposals for the management and maintenance plans for new cycleways and footpaths, and by early consideration of these matters, to avoid *'planning in'* problems for later. Both policies have regard to national policy and are in general conformity with policies in the Core Strategies, in particular policy CS5 of the New Forest District (outside the National Park) Core Strategy and policy DP6 of the NFNPA Core Strategy.

<sup>20</sup> NPPF 2019 paragraph 180.

<sup>21</sup> New Forest District (outside the National Park) Core Strategy policies CS5 and CS24 and NFNPA Core Strategy policy CP6.

<sup>22</sup> NPPF 2019 paragraphs 91 and 95.

- 4.23 The adequacy of on-site parking provision is often a source of frustration and nuisance for local residents. However, I am not persuaded that policy C2 as drafted in requiring the provision of *'sufficient parking for residents and for essential visitors'* has the clarity required for a land use planning policy. What would be *'sufficient'* is not defined and is a matter on which there is likely to be a myriad of different opinions. Both the NFDC and NFNPA have supplementary planning documents setting out parking standards for new residential development and I am not persuaded that there is a strong and coherent local case for policy C2, as drafted. I am therefore recommending that policy C2 is deleted from the Plan as unclear and ambiguous, contrary to the Secretary of State's advice<sup>23</sup> (**PM6**).

### Employment

- 4.24 It is an aim of the Plan to enhance prospects for employment locally. From first discussions and consultation on the Plan, there has been concern within the community to safeguard and enhance the prospects for employment locally, so that Hythe and Dibden continue to thrive and have a secure and sustainable economic future. The NPPF<sup>24</sup> sets out Government policy that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. If the economic vibrancy of local businesses is to be maintained into the future, the Parish Council consider it particularly important to support the rapidly evolving digital economy. In accord with policy CS17 of the New Forest District (outside the National Park) Core Strategy, policy EMP1 is supportive of knowledge-based businesses and the digital economy by seeking to ensure good access to high speed broadband and evolving communication technology for businesses and home workers. In that the policy has regard to national policy and is in general conformity with strategic policy, it meets the Basic Conditions.
- 4.25 Providing the recommended modifications are made, I am satisfied that the Plan's policies on design, housing, environment, wellbeing, crime and anti-social behaviour, and local employment, provide an appropriate framework to shape and direct sustainable development. They have regard to national policy and guidance, are in general conformity with strategic policies, and meet the Basic Conditions.

### *Issue 2 – transport*

- 4.26 Hythe lies on the opposite shore to Southampton which is the major regional employment and leisure centre for the area. Whilst there is a regular passenger ferry service between Hythe and Southampton Pier, it has a limited catchment area and is primarily used for leisure activities

<sup>23</sup> PPG Reference ID: 41-041-20140306.

<sup>24</sup> NPPF 2019 paragraph 112.

with low passenger numbers compared to the bus<sup>25</sup>. The A326 is the main highway access to and from the strategic road network. It is used by traffic to and from the Fawley oil refineries, the Marchwood port, the eastern side of the New Forest and Hythe and Dibden, and is already at theoretical capacity at most of its junctions north of Dibden. Anticipating potential housing growth at Totton, Marchwood, and Fawley and longer-term potential expansion of port activity, Hampshire County Council, as Highway Authority, agreed a Waterside Interim Transport Strategy in 2017.

- 4.27 The Neighbourhood Plan's transport aim is to secure and support existing and new transport provision as an alternative to the use of private vehicles and the Plan sets out 6 transport policies. Dealing first with Hythe Ferry, policies T3 and T4 seek to protect the Hythe pier, from where the ferry arrives and departs, and to promote a re-designed and more efficient transport interchange on its approach. The retention of the ferry link to Southampton is a key issue for the local community. It is Government policy<sup>26</sup> to promote sustainable transport and to do so by encouraging planning policies that identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice. In that respect, I am satisfied that these policies for the ferry, whilst aspirational, do have regard to national policy, in seeking to protect and develop infrastructure that provides for wider transport choice, and are in general conformity with policy CS23 of the New Forest District (outside the National Park) Core Strategy.
- 4.28 Policy T2 is similarly aspirational in that it seeks to protect the existing rail route and track to Totton and identify suitable sites for park and ride infrastructure, platform access and a potential railway halt *'so that in the event that it proves economically viable and the relevant authorities agree, a rail/tram link to Southampton could be provided'*. Other than recognising that the timescales for implementation *'could be considerable'*, there is very little in the Plan or in the supporting documentation to justify this policy, although it is supported in Core Strategy policy CS23. The Interim Transport Policy referred to a previous rail study that indicated a very poor business case for the re-introduction of passenger rail on this line. Further, Southampton City Council in its Regulation 16 representation expressed its concern as to the feasibility of further train or tram infrastructure.
- 4.29 Nonetheless, on balance it is my view, notwithstanding the shortfall in the robust evidence expected by the NPPF, there is a case to be made for the inclusion of policy T2 in the Plan. Whilst its deliverability may be questionable at this time, the policy can be seen as a marker of strong local interest in the re-introduction of passenger rail on the line. Through

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<sup>25</sup> 2017 Hampshire County Council report on an Interim Waterside Transport Policy.

<sup>26</sup> NPPF 2019 paragraph 104 c).

the wider draft Local Transport Plan strategy in Connected Southampton – Transport Strategy 2040, Southampton City Council is already looking at the possibility of developing a mass transit system. As a combination of rail, bus, high quality bus, demand responsive bus and physical infrastructure, to be delivered via the emerging Southampton Public Transport Strategy, the City Council suggested this may be something the Parish Council should consider whilst taking the Neighbourhood Plan forward and paragraph 8.47 of the submitted Plan now includes a reference to other options for improved public transport being explored, such as the mass transit system. I do not see that policy T2 would in any way prejudice or impede that work and indeed has the potential to be seen as supportive of it. In that policy T2 seeks to realise an opportunity from existing transport infrastructure to promote public transport use, it aligns with national policy and with Core Strategy CS23.

- 4.30 Policy T1 seeks to ensure the provision of new and improved public transport links with Southampton and to work with the relevant authorities to identify means to do so. For the reasons set out above, I am satisfied that the policy has regard to national policy and by promoting sustainable transport would contribute to the achievement of sustainable development.
- 4.31 In promoting sustainable transport, the NPPF is supportive of development that gives priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas<sup>27</sup>. Policy T5 addresses the design of new footpaths and cycleways. Subject to some rewording in the interests of clarity (**PM7**), I am satisfied that it has regard to national policy and is in general conformity with the Core Strategies. Given problems experienced in the past where there has been a lack of clarity as to the maintenance responsibility and funding arrangements, the Parish Council is seeking through policy T6 to require that all proposals which include new cycleways or footpaths should be accompanied by detailed management and maintenance plans at the application stage. Subject to some rewording (**PM8**), in the interests of clarity and to avoid ambiguity, I find that policy T6 is in general conformity with strategic policy and has regard to national policy, contributing to the achievement of sustainable development.
- 4.32 Providing the recommended modifications are made, I am satisfied that the Plan's transport policies meet the Basic Conditions.

### *Issue 3 - coastal and fluvial flooding*

- 4.33 Aim 8 of the Plan is '*to reduce the likelihood and impact of flooding through coastal and fluvial causes*'. Hythe lies on Southampton Water. The Plan describes flooding as a matter of significant concern to residents, especially in Hythe where parts of the town are subject to tidal flooding,

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<sup>27</sup> NPPF 2019 paragraph 110.

and the need to bring the existing sea wall up to a constant height and to future proof the town against rising sea levels. New building should be designed to take full account of flood risk and rising sea levels and public drainage systems need to be kept in good order.

- 4.34 As drafted, the first part of policy F1 requires all new housing and business development proposals in coastal flood risk zones 2, 3a and 3b to *'be subject to the sequential test and satisfy the exception test'*. These terms come from the NPPF which at paragraphs 155 to 165 and in the accompanying PPG sets out detailed policy on planning and flood risk. However, policy F1 appears to jump the first step of national policy which is that inappropriate development in areas at risk of flooding should be restricted. This should be done by directing development away from areas at highest risk through the application of the sequential test. It is through the sequential test and sustainability appraisal process that where other sustainability criteria are found to outweigh flood risk issues, the decision-making process is transparent with reasoned justification for any decisions to develop land in areas at high flood risk.
- 4.35 In its representations, the Environment Agency were critical of the wording of policy F1 as misleading and unsound and proposed amended wording to clearly set out the application of the sequential test. Whilst policy CS6 of the New Forest District (outside the National Park) Core Strategy addresses flood risk, it is noteworthy that no equivalent policy is included in the emerging Local Plan, the District Council explaining that in addressing flooding risks it will apply national policy<sup>28</sup>. Nonetheless, given that flooding is a significant concern to residents in the local area, I have concluded that it is reasonable to retain policy F1, subject to its rewording along the lines proposed by the Environment Agency.
- 4.36 In respect of the second part of the policy relating to finished floor levels, the design flood level for new developments is defined within the NPPF and its supporting guidance. Any site-specific flood risk assessment will need to work out appropriate flood risk mitigation measures to achieve this, which may not be just by raising floor levels. Subject to the recommended modifications to its wording (**PM9**), policy F1 will have regard to national policy and contribute towards the achievement of sustainable development.
- 4.37 In coastal areas, the NPPF advises that planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. To reduce risk from coastal change, inappropriate development should be avoided in vulnerable areas and not exacerbate the impacts of physical changes to the coast<sup>29</sup>. With local concerns about rising sea levels, coastal flooding and the currently variable height of the sea wall, policy F2 seeks to promote the provision of coastal flood prevention measures to a

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<sup>28</sup> Paragraph 8.11 of the emerging Local Plan.

<sup>29</sup> NPPF 2019 paragraphs 166 and 167.

constant height *'in order to protect the low-lying areas of Hythe currently being flooded at periods of inclement weather and enhanced high tides'*.

- 4.38 In its representations, the Environment Agency has cautioned against having a policy setting a standard of coastal flood risk protection with other factors such as freeboard and climate change allowances needing to be considered in determining the appropriate height of the sea defence, which then in turn would have a bearing on any flood risk mitigation. Action point F-AP1 refers to the intended Hythe Coastal Flood Alleviation Scheme with a scheduled start indicated in 2020/21, but no detail is given in the text at paragraph 8.69 justifying policy F2 as to what this scheme might involve, nor if it includes constant height sea defences. I am modifying policy F2 as suggested by the Environment Agency to comply with national policy and to clarify the need to have regard amongst others to the District Council's Strategic Flood Risk Assessment (**PM10**).
- 4.39 The final policy F3 on flooding deals with capacity in the wider drainage network and that new development should have no adverse impact on the existing network. It accords with policy CS1 of the New Forest District (outside the National Park) Core Strategy that new development should not put an unreasonable burden on existing infrastructure and services and with policy CS6 on flood risk. As such it would contribute towards the achievement of sustainable development and meet the Basic Conditions.
- 4.40 I conclude on my third issue that subject to the recommended modified policy wordings set out in the attached Appendix, policies F1, F2 and F3 on flooding have appropriate regard to national policy and the Secretary of State's advice and would be in general conformity with strategic policies and thus fulfil the Basic Conditions.

#### *Issue 4 – port buffer zone*

- 4.41 The Neighbourhood Plan area includes Dibden Bay, to the north of Hythe, part of which is within the National Park. The reclaimed land area is the Dibden Bay SSSI and the foreshore is part of the Hythe to Calshot SSSI, forming part of the Solent and Southampton Water SPA and Ramsar site. It is owned by ABP whose landholding at Dibden Bay extends to some 400ha<sup>30</sup>. Their draft Port of Southampton Masterplan (2016) indicated their intention to seek consent for port expansion onto Dibden Bay. This would be by way of an application for a Development Consent Order (DCO) for a National Significant Infrastructure Project (NSIP), which would be determined by the Secretary of State. It is acknowledged in the emerging Local Plan that such an application is likely to be made during the life of that Plan and that there is common ground between ABP and NFDC in that Dibden Bay is the only area of land physically capable of accommodating a significant expansion of the Port of Southampton. Policy 24 of the submitted Local Plan Review sets out matters considered

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<sup>30</sup> Paragraph 7.28 Draft New Forest District Local Plan Review 2016-2036.



by the District Council to be of particular weight in the consideration of the DCO including iii. avoiding where possible and mitigating where necessary any harmful impacts on the environment; and iv. avoiding unacceptable impacts on the local community and the health, safety and amenity of local residents

- 4.42 The decision on any NSIP for port development at Dibden Bay will be taken at Government ministerial level, having regard to policy advice in the National Policy Statement (NPS) on Ports (2012). However, the Parish Council sees the Neighbourhood Plan as having a role to play in seeking to ensure that, if major port development occurs, negative impacts on the community are minimised, and opportunities for potential community benefits are not missed. Aim 9 of the Plan is therefore that *'in the event of major port development on Dibden Bay reclaim, to create a multifunctional buffer zone to positively manage the interface with the surrounding land'* and the Plan includes 3 policies for the buffer zone. The Plan explains at paragraph 8.78 that whilst there is widespread and strong local opposition to port development, consultation during the Plan's preparation indicated a high level of support for the Buffer Zone approach being proposed.
- 4.43 ABP, in their response to consultation on the Plan, refers to ongoing engagement with the Parish Council, their desire to work collaboratively with all relevant interested parties, and that they are generally supportive of the approach taken in the draft Plan. There are references in the Plan at paragraphs 8.76, 8.77 and 8.81 to engagement with ABP, as landowner and port operator, other stakeholders and the local community. In that policy BZ1 seeks to ensure that, if port development is approved, the operational boundaries of the port are realistically defined, in order to minimise future pressure for any boundary extensions that could be environmentally harmful, it is a sensible and realistic approach and one to which no objection has been made by ABP. I am satisfied that it strikes the right balance between recognition of what might be the future long-term needs of the port and the need to protect the very significant environmental interests that constrain the use of the land. As such, through balancing economic, social and environmental objectives<sup>31</sup>, it would contribute towards the achievement of sustainable development and would meet the Basic Conditions.
- 4.44 Policy BZ2 promotes the establishment of a Buffer Zone around the operational port land *'whose primary function will be to act as a multi-functional green infrastructure'*. The Plan could be clearer as to what that would actually mean in land use planning terms. However, it is apparent from all but one of the objectives and the main thrust of the policy that the Buffer Zone is intended to be environmentally focused. That is to be expected given that most, if not all the Buffer Zone, would be within the National Park and within or close to national and internationally

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<sup>31</sup> NPPF 2019 paragraph 8.

designated nature conservation sites. I therefore share the concern of the NFNPA as to the potential for conflict between environmental protection and the policy's objective to support '*sustainably managed economic growth*' (objective 9.4 and part c) of policy BZ2). I note the explanation of sustainable economic growth given in paragraph 8.82 but that does not help to explain, in land use terms, what kind of economic development the Parish Council is proposing could take place in the Buffer Zone. In that respect, I find policy BZ2 lacks the necessary clarity and precision expected of a land use planning policy.

- 4.45 Paragraph 8.81 refers to there being no precedent or model elsewhere in the UK that could serve as a ready-made template for the Buffer Zone. However, policy BZ3 confirms that the Buffer Zone is intended to provide sufficient separation between the intensity of operational port activity, operating 24 hours a day, and the surrounding land uses. It seems to me not an unreasonable expectation that this would be achieved mainly by the Buffer Zone being kept undeveloped and mainly as open land. The implication in policy BZ2 c) that economic development might be allowed in the Buffer Zone would appear to conflict with that expectation. In the absence of any additional evidence as to what is meant by part c), and what form of economic development is envisaged could take place in the Buffer Zone, I am recommending that references to sustainably managed economic growth are deleted from the Plan (**PM11**).
- 4.46 In seeking to ensure that the Buffer Zone is sufficient, policy BZ3 sets out the expectation that it would extend at least 500 metres beyond the operational port boundary, once that is defined. Given the acknowledgement in the Plan, at paragraph 8.81, that the precise details of the Buffer Zone would have to be the subject of more work, it is unclear how that distance was arrived at. Having regard to the size of ABP's land holding, the range of port related activities, some of which are less noisy and intrusive than others, and depending on the juxtaposition with surrounding land uses, it might well be that the buffer would need to be wider than 500m in certain places but could be narrower elsewhere. I share the concerns of ABP that, by including a minimum distance in the Plan, in the future it could inadvertently impact on an appropriate buffer being determined in the collaborative way envisaged in the Plan. I therefore am modifying the second sentence of policy BZ3 to delete the reference to '*at least 500m*' but to indicate that the Buffer Zone will need to extend sufficiently beyond the operational port boundary to fulfil its functional objectives (**PM12**).
- 4.47 The Dibden Bay reclaim extends to the north beyond the Neighbourhood Plan area and I have given careful thought as to whether the Buffer Zone policies are significant enough to have an impact beyond the designated neighbourhood plan boundary, and thus would require the referendum to extend to areas beyond the plan boundary. No request has been made for such an extension. Having regard to the parish boundary, the land uses to the north which include the Marchwood Seamounting Centre, and

the extent of ABP's landholding as indicated in the Port of Southampton Masterplan, I am satisfied that the policies' significance relates predominantly to the parish of Hythe and Dibden and there is no requirement to extend the referendum area.

- 4.48 Subject to the modifications set out in the Appendix being made, I am satisfied that the Buffer Zone policies have regard to national policy and advice and would contribute towards the achievement of sustainable development, thus meeting the Basic Conditions.

## 5. Conclusions

### *Summary*

- 5.1 The Hythe and Dibden Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates, including the assessment at paragraph 4.47 above. The Hythe and Dibden Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### *Overview*

- 5.4 I recognise that the Plan is the product of a lot of hard work by the Neighbourhood Planning Group and the Parish Council, at a time when the local community has also been engaged in consultation on reviews of the Local Plans of the two local planning authorities. Considerable effort has been put in over the last three years to achieve the submitted Plan and, in the process, there has been engagement with local people and stakeholders. The output is a Plan which should help guide the area's future development in a positive way with the support of the local community. I commend the Parish Council and the Neighbourhood

Planning Group for producing this Plan which, subject to some modifications, will influence development management decisions for some years to come or until its review.

*Mary O'Rourke*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 1	Set out the Plan period on the cover page.
PM2	Chapters 8 and 9 Pages 24-76	Delete all the action points from Chapter 8. Remove Chapter 9 from the Plan and include as an annex or companion document to the Plan, with additional text to clearly identify that the actions listed deal with non-land use matters.
PM3	Page 33	In policy H2 line 3 delete the word ' <b>economically</b> '.
PM4	Page 37	In policy ENV2 after ' <b>sought</b> ' add the words ' <b>in new development</b> '.
PM5	Page 43	Reword policy WEL2 to read:  <b><i>New developments should be designed so as not to exacerbate, and where possible improve, air pollution, traffic congestion, road safety and parking. New residential developments should provide infrastructure for charging electric vehicles.</i></b>
PM6	Page 56	Delete policy C2 and its supporting text at paragraph 8.66.
PM7	Page 48	Reword policy T5 to read:  <b><i>New footpaths and cycleways should be designed to a high standard. Proposals should have regard to the suitability of their gradients for all users, the directness of the route, and matters of community safety.</i></b>
PM8	Page 48	Reword policy T6 to read:  <b><i>Applications for development that propose new cycleways or footpaths should include details of their future management and maintenance.</i></b>

PM9	Page 59	<p>Reword policy F1 to read:</p> <p><b><i>In line with the application of the Sequential Test, any future development within the Hythe and Dibden area will be directed to the areas at the lowest probability of flooding (Flood Zone 1). Development will not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Sequential Test should be informed by the Strategic Flood Risk Assessment for the area, as well as other background documents such as the District Council's Strategic Housing Land Availability Assessment. Applications for development should be accompanied by a site specific Flood Risk Assessment setting out flood risk mitigation measures.</i></b></p>
PM10	Page 60	<p>Reword policy F2 to read:</p> <p><b><i>To promote the delivery of coastal flood risk management infrastructure, ensuring that it provides a level of protection that includes climate change allowances. Any coastal flood risk management measures should have regard to relevant strategies including the New Forest District Council Strategic Flood Risk Assessment and the Shoreline Management Plan.</i></b></p>
PM11	Pages 64-68	<p>Delete references to sustainably managed economic growth; more particularly:</p> <p>delete part c) of policy BZ2,</p> <p>delete objective 9.4,</p> <p>delete 5<sup>th</sup> bullet point of paragraph 8.74,</p> <p>delete paragraph 8.82.</p>
PM12	Page 65	<p>Delete the 2nd sentence of policy BZ3 and</p>

		<p>replace with the following:</p> <p><b><i>The boundaries of the Buffer Zone will need to extend sufficiently beyond the operational port boundary (once defined) including essential infrastructure, to fulfil its functional objectives and ensure the necessary protection of the natural drainage system.</i></b></p>
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## Hythe and Dibden Neighbourhood Development Plan – Decision Statement (September 2019)

### 1. Introduction

- 1.1 New Forest District Council has a statutory duty to assist local communities in the preparation of Neighbourhood Development Plans and Orders. As the planning authority for the area outside the National Park, the Council is also required to support draft Neighbourhood Plans through the Examination process towards local Referendum.
- 1.2 The draft Hythe & Dibden Neighbourhood Plan was submitted for independent Examination in early 2019 and the Examiner's Report was issued on 25 June 2019. Under the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended), the District Council must: (i) decide what action to take in response to each recommendation made in the Examiner's Report; and (ii) publish their decision and the reasons for it in a 'Decision Statement'.
- 1.3 This statement confirms that the modifications proposed by the Examiner's report have been accepted, the draft Hythe and Dibden Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.

### 2. Background

- 2.1 The Hythe and Dibden Neighbourhood Development Plan relates to the area that was designated by New Forest District Council and New Forest National Park Authority in December 2015. This 'Neighbourhood Area' corresponds with the Hythe and Dibden Parish boundary and includes land within the remit of both New Forest District Council and New Forest National Park Authority.

- 2.2 Following the submission of the draft Hythe and Dibden Neighbourhood Development Plan to New Forest District Council and the National Park Authority, the Plan was publicised and representations were invited for a 6-week period, closing at the end of April 2019.
- 2.3 Mary O'Rourke BA(Hons) DipTP MRTPI was appointed by New Forest District Council and New Forest National Park Authority – with the agreement of Hythe and Dibden Parish Council - to undertake the examination of the draft Neighbourhood Plan and to prepare a report of the independent examination.
- 2.4 The Examiner's Report (June 2019) concludes that subject to the modifications set out in Table 1 below, the draft Neighbourhood Plan meets the Basic Conditions. The Examiner recommends that the Plan, once modified, should proceed to Referendum on the basis that it has met all the relevant legal requirements. The Examiner also concluded that the Referendum area does not need to be extended beyond the designated area to which the Plan relates.

### **3. Decision**

- 3.1 As outlined above, the Neighbourhood Planning (General) Regulations 2012 (as amended) require the District Council to outline what action to take in response to the recommendations made in the Examiner's Report.
- 3.2 New Forest District Council, New Forest National Park Authority and Hythe & Dibden Parish Council have considered each of the recommendations made in the Examiner's Report. Ultimately it is the responsibility of the planning authorities (New Forest District Council and New Forest National Park Authority) to decide what modifications should be made to the Neighbourhood Plan. Having considered each of the recommendations made by the Examiner's report (and the reasons for them), New Forest District Council has decided to accept the modifications to the draft Plan. Table 1 on the following pages outline the alterations to be made to the draft Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations.

Table 1

<b>Examiner's recommended modification</b>	<b>Examiner's Justification</b>	<b>New Forest District Council Decision</b>
<i>Procedural Compliance</i>		
Set out the Plan-period on the cover page	Paragraph 3.1 states that the Plan covers the period to 2026 and this should be clearly set out on the cover page.	Accept modification
<b>Examiner's recommended modification</b>	<b>Examiner's Justification</b>	<b>New Forest District Council Decision</b>
<i>Chapter 8 – Objectives and Policies</i>		
Delete all the action points from Chapter 8  Remove Chapter 9 from the Plan and include as an annex or companion document to the Plan, with additional text to clearly identify that the actions listed deal with non-land use matters	In the interests of clarity, all actions should be deleted from Chapter 8. Chapter 9 should be taken out of the Plan and included instead as an annex or companion document. Whilst wider community aspirations can be included in a Neighbourhood Plan, the National Planning Practice Guidance (NPPG) resource confirms that actions dealing with non-land use matters should be clearly identifiable. The actions currently have undue prominence and are formatting in a similar way to the Plan's policies.	Accept modification.  Action points deleted from Chapter 8. Chapter 9 removed from the main part of the Plan and included as an annex, with wording added to confirm the actions relate to non-land use matters.
Delete the word 'economically' from Policy H2, which encourages the	There is no need to qualify the policy by including the word 'economically', which could be used as an argument about increased building costs to unreasonably defeat the	Accept modification

Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
future utilisation of roof space to provide additional accommodation.	objective of the policy.	
In Policy ENV2 add the words " <i>in new development</i> " after " <i>sought</i> " regarding the provision of accessible natural greenspace.	As drafted the policy does not read as a land use policy and it is unclear what is meant by, " <i>opportunities will be sought.</i> " Therefore the policy should be modified to clarify that such opportunities will be sought " <i>in new development.</i> "	Accept modification
<p>Reword Policy WEL2 as follows:</p> <p><i>New developments should be designed so as not to exacerbate, and where possible improve, air pollution, traffic congestion, road safety and parking. New residential developments should provide infrastructure for charging electric vehicles.</i></p> <p>The use of the word "<i>current</i>" is not justified in any meaningful way in the supporting text.</p>	Subject to some minor re-wording and deletion of the word " <i>current</i> ", the policy is considered to have regard to national policy and be in general conformity with the higher order plans for the area	Accept modification
Delete Policy C2 and its supporting text at paragraph 8.66 as the policy is unclear	Policy C2 as drafted does not have the clarity required for a land use planning policy. What would be " <i>sufficient</i> " is not defined and is a matter on which there is likely to be a	Accept modification

Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
and ambiguous, contrary to the Secretary of State's advice.	myriad of different opinions. Both NFDC and the NPA have parking standards for new development and there is not a strong and coherent case for Policy C2 as drafted.	
<p>Reword Policy T5 on the design of new footpaths and cycleways as follows:</p> <p><i>New footpaths and cycleways should be designed to a high standard. Proposals should have regard to the suitability of their gradients for all users, the directness of the route, and matters of community safety.</i></p>	Subject to minor re-wording, Policy T5 regarding new footpaths and cycleways has regard to national policy and is in general conformity with the adopted Core Strategies.	Accept modification
<p>Reword Policy T6 to provide greater clarity regarding details of management and maintenance plans for new cycleways and footpaths as follows:</p> <p><i>Applications for development that propose new cycleways or footpaths should include details of their future management and maintenance.</i></p>	Subject to minor re-wording in the interests of clarity and to avoid ambiguity, Policy T6 is in general conformity with strategic policy and has regard to national policy, contributing to the achievement of sustainable development.	Accept modification
Reword Policy F1 along the	Flooding is a significant concern to local residents and it	Accept modification

Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
<p>lines proposed by the Environment Agency; and to highlight that flood risk mitigation measures cover more than raising floor levels as follows:</p> <p><i>In line with the application of the Sequential Test, any future development within the Hythe and Dibden area will be directed to the areas at the lowest probability of flooding (Flood Zone 1). Development will not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Sequential Test should be informed by the Strategic Flood Risk Assessment for the area, as well as other background documents such as the District Council's Strategic Housing Land Availability Assessment. Applications for development should be accompanied by a</i></p>	<p>is therefore reasonable to retain Policy F1, subject to its rewording along the lines proposed by the Environment Agency. Flood risk mitigation measures may be broader the raising floor levels and the policy should be amended to reflect this.</p>	

Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
<i>site specific Flood Risk Assessment setting out flood risk mitigation measures.</i>		
<p>Modify Policy F2 as suggested by the Environment Agency to comply with national policy as follows:</p> <p><i>To promote the delivery of coastal flood risk management infrastructure, ensuring that it provides a level of protection that includes climate change allowances any coastal flood risk management measures should have regard to relevant strategies including the New Forest District Council Strategic Flood Risk Assessment and the Shoreline Management Plan.</i></p>	<p>Policy F2 should be modified as suggested by the Environment Agency to comply with national policy and to clarify the need to have regard to the New Forest Strategic Flood Risk Assessment (SFRA).</p>	<p>Accept modification</p>
<p>Delete references to sustainably managed economic growth as part of the proposed 'Buffer Zone; particularly in part c) of Policy BZ2; objective 9.4 and</p>	<p>It is apparent from all but one of the objectives and the main thrust of the policy that the Buffer Zone is intended to be environmentally focused. I share the concerns of the NFNPA as to the potential for conflict between environmental protection and the policy's objective to support "<i>sustainably managed economic growth</i>". The</p>	<p>Accept modification</p>

Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
<p>paragraph 8.74</p> <p>Delete paragraph 8.82</p>	<p>implication in Policy BZ2 (c) that economic growth might be allowed in the Buffer Zone conflicts with the expectation that the Zone will be kept as mainly undeveloped open land. It is therefore recommended that references to sustainably managed economic growth are deleted from the Neighbourhood Plan.</p>	
<p>Delete the second sentence of Policy BZ3 and replace it as follows:</p> <p><i>The boundaries of the Buffer Zone will need to extend sufficiently beyond the operational port boundary (once defined) including essential infrastructure, to fulfil its functional objectives and ensure the necessary protection of the natural drainage system.</i></p> <p>To reflect the fact that the buffer would need to be wider than 500m in certain places but could be narrower elsewhere, as follows:</p>	<p>The Examiner shares the concerns of ABP that, by including a minimum distance in the Plan, it could inadvertently impact on an appropriate buffer being determined in the collaborative way envisaged by the Plan. It is unclear how the distance of at least 500 metres was arrived at, given that the Plan itself acknowledges that the precise details of the Buffer Zone would have to be the subject of more work. The second sentence of Policy BZ3 should therefore be modified to indicate that the Buffer Zone will need to extend significantly beyond the operational port boundary to fulfil its objectives.</p>	<p>Accept modification</p>



CABINET – 4 SEPTEMBER 2019

PORTFOLIO: LEADER AND  
CORPORATE AFFAIRS

## BREXIT FUNDING FOR COUNCILS AND THE DESIGNATION OF A BREXIT LEAD OFFICER

### 1. Recommendations

Cabinet are asked to note:

- the appointment of the Council's Chief Executive as the Council's Brexit Lead Officer
- the tasks identified by the government for the Brexit Lead Officer to undertake
- the Council's risk considerations and action plan

### 2. Council Brexit – Actions to date

The Council started its preparation for the UK leaving the European Union early in 2019. This has included the following activities:

- Undertaking a risk assessment for both Council-operated services and an assessment of the possible impact on the broader community. The risks identified were predominantly related to a no-deal Brexit scenario, given the greater level of uncertainty that was associated with this.
- Reports were presented to the Council's Executive Management team of the likely risks and the appropriate mitigation actions that could be undertaken. This has been regularly monitored and updated.
- Working with the Hampshire-wide Local Resilience Forum to identify and support actions across the broader Hampshire County-wide area.
- Working closely with Solent LEP and other government bodies to signpost to local business guidance that was available to provide support.
- Kept up to date of weekly meetings with MHCLG from representation by a Chief Executive on behalf of all South East Local Authorities.

### 3. Financial Issues

In March 2019, the government made £40m available to Local Authorities to assist in their Brexit preparedness. This Council was awarded £34,968. To date the Council has not used any of this funding.

A second tranche of Brexit funding has recently been announced (as confirmed within the appended letter), with this Council awarded a further £17,484.

### 4. Latest Developments

The Leader of the Council received a letter from Robert Jenrick MP, Minister of MHCLG (Attached). This requested that a senior officer be appointed within all Authorities as Brexit Lead Officer and that he be notified by 16 August 2019. It also set out a list of the activities this role should undertake.

The Council's Chief Executive has taken on this role and the Local Resilience Forum have also been informed.

## **5. Portfolio Holder Comments – Leader**

I am pleased the Chief Executive has taken on this role, and we will continue our preparations for the UK leaving the European Union with the agreed risk considerations and action plan.

### **For Further Information Please Contact:**

Bob Jackson  
Chief Executive  
Telephone: 023 8028 5588  
E-mail: [bob.jackson@nfdc.gov.uk](mailto:bob.jackson@nfdc.gov.uk)

### **Background papers:**

Letters from the Ministry of Housing, Communities and Local Government are attached at Appendix 1.



Ministry of Housing,  
Communities &  
Local Government

**Rt Hon Robert Jenrick MP**  
*Secretary of State for Housing, Communities and  
Local Government*

**Ministry of Housing, Communities and Local  
Government**  
4th Floor, Fry Building  
2 Marsham Street  
London SW1P 4DF

To: Leaders of all local authorities in England

Tel: 0303 444 3450

Email: [robert.jenrick@communities.gov.uk](mailto:robert.jenrick@communities.gov.uk)

[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

06 August 2019

I was honoured to be appointed as the Secretary of State. I am looking forward to meeting you and to working with you.

The UK will be leaving the European Union on 31 October. Although we would prefer to leave with a deal, we are making all necessary preparations to leave without a deal if the EU refuses to negotiate a new arrangement.

Local Government has a vital role in ensuring our departure is as smooth as possible. I want to thank you, your councillors and your officers for all the hard work you have already done, particularly in advance of the March and April deadlines. Just as central government is urgently intensifying preparation in advance of 31 October, it is right that together we work to do the same in every community.

To help us to better co-ordinate our efforts, I am asking all of you to designate a senior officer in your authority as Brexit Lead Officer.

That officer's role should include:

- Ensuring the council has taken all reasonable steps, in line with relevant guidance and messaging coming from Government and its agencies, to prepare for our exit from the EU on 31 October. This should include clear communication to local residents and businesses to support their own preparations for Brexit and a plan for how the council would communicate important messages to stakeholders;
- Ensuring the council has a team in place which is equipped to support the delivery of Brexit, ready for the period around 31 October;
- Overseeing the expenditure of the specific Brexit funding allocated to their council and ensuring it is effectively contributing to local preparations;
- Playing a full part in your Local Resilience Forum to ensure that its plans for No Deal take account of relevant local circumstances and potential impacts on local communities. I will be writing separately to all LRF chairs to set out how I propose to work with them to prepare for Brexit and to ask that they liaise with you to assess relevant impacts;
- Bringing together local public service providers, the voluntary and community sector, community groups and businesses to effectively prepare for the potential local impacts of leaving the EU without a deal;

- Acting as the principal contact point for your regional lead chief executive and central Government; and
- Proactively raising with central Government or your regional chief executive representative any emerging trends, issues and other local intelligence that might assist in No Deal preparations.

**Please provide the name and contact details for your Brexit Lead Officer to [LGEengagement@communities.gov.uk](mailto:LGEengagement@communities.gov.uk) by 16 August 2019.**

On Saturday, I announced £20 million of funding for all local authorities in England to aid Brexit preparations, which will support the work of this critical post. The Government recognises that certain areas face more acute pressures, and I am currently considering how best to allocate this funding. This is in addition to the £40 million previously allocated to all local authorities.

I am keen to listen to your ideas and concerns and to promote collaboration and best practice on how councils can effectively prepare for Brexit. To kick things off, I will be hosting the first of a series of webinars next week for all Leaders, Chief Executives and Brexit Lead Officers on 13 August at 9.00am. My officials will circulate details of how to participate shortly. I would encourage as many of you as possible to attend. I want to ensure the Government communicates with you in a co-ordinated and clear manner and that your legitimate concerns and queries are answered as swiftly as possible.

I look forward to working closely with you on this important issue.

A handwritten signature in black ink that reads "Robert Jenrick". The signature is written in a cursive style with a horizontal line underneath the name.

**RT HON ROBERT JENRICK MP**



Ministry of Housing,  
Communities &  
Local Government

**Ministry of Housing, Communities and Local  
Government**

2nd Floor, Fry Building,  
2 Marsham Street,  
London, SW1P 4DF

Tel: 0303 444 3835

Email: [joe.tuke@communities.gov.uk](mailto:joe.tuke@communities.gov.uk)

[www.gov.uk/mhclg](http://www.gov.uk/mhclg)

16 August 2019

Dear Colleague,

**RE: BREXIT FUNDING ALLOCATIONS FOR LOCAL GOVERNMENT**

Earlier in August, the Secretary of State announced £20m funding for all local authorities in England to aid Brexit preparations. This is in addition to the £40m previously allocated to all local authorities earlier this year.

I am pleased to let you know the allocation of funding per local authority, which can be found in Annex A (attached).

The funding is being paid directly under Section 31 of the Local Government Act 2003. Our expectation is that the funding will only be used to enhance capacity and capability within local authorities to aid Brexit preparations. This is intended to help provide each council's Brexit Lead Officer with the resource they need to fulfil their role, as described by the Secretary of State in his letter to Council Leaders on 6 August 2019. Whilst this funding is not ring-fenced, the funding should not be used for matters unrelated to Brexit.

As the Secretary of State said in his letter to Council Leaders, we recognise that there are some areas which could face more acute pressures, and we will be announcing further funding shortly.

As with previous funding allocations, where councils restructured on 1 April 2019, the amount has been calculated taking into account the changes in structure and aggregated to ensure that they will still receive the amounts originally indicated under your previous structure.

In the meantime, should you require any further information please do not hesitate to contact us at [lgengagement@communities.gov.uk](mailto:lgengagement@communities.gov.uk).

Yours sincerely,

Joe Tuke

Director, Local Government and Public Services

**ANNEX A: Funding provided as part of this allocation of £20m**

	<i>2019/20 (£) - this allocation</i>
<i>Combined Authorities (11 including London (GLA))</i>	90,909
<i>District councils</i>	17,484
<i>County councils</i>	87,500
<i>Unitary authorities*</i>	104,984

\* Unitary authorities will receive the sum of the county and district allocations. Metropolitan Boroughs and London Boroughs are unitary authorities.

## HEALTH AND LEISURE REVIEW – EXPRESSIONS OF INTEREST PHASE

### 1. RECOMMENDATION

- 1.1 Cabinet note the contents of the Expressions of Interest document (attached as Appendix 1), which will be formally signed off and released by the Portfolio Holder in line with the procurement timetable.

### 2. BACKGROUND

- 2.1 The Cabinet agreed in December 2018, for the Council to commence the process to identify a preferred partner to operate the 5 Health and Leisure Centres.
- 2.2 The Task and Finish group has met regularly to determine the Council's future requirements and agreed the Health and Leisure Vision.
- 2.3 Ten Customer forums were attended by over 170 customers. A customer group will be established in September, which will meet regularly throughout the review.
- 2.4 A staff forum with staff representatives from the 5 health and leisure centres is in place and there will be regular dialogue with our Trade Union representatives through the Employee Side Liaison Panel.

### 3. PROCUREMENT PROCESS – EXPRESSIONS OF INTEREST PHASE

- 3.1 The Council is now in a position to request Expressions of Interest. This is the first phase of the formal procurement process.
- 3.2 The Expressions of Interest document sets out background and context in relation to the Council's Health and Leisure service, as well as providing potential bidders with an outline of the outcomes expected from the partnership.
- 3.3 The Council is using the Competitive Procedure with Negotiation (CPN) in accordance with regulation 29 of the Public Contracts Regulations 2015 to select the most suitable supplier. The CPN procedure has been chosen to enable the Council to conduct prior negotiations with interested parties relating to the operating model, NFDC specific circumstances and proposed quantitative and qualitative opportunities.

### 4. TIMELINE

- 4.1 Expressions of Interest documents will be available from the procurement portal from 16<sup>th</sup> September, with returns by the 18<sup>th</sup> October.
- 4.2 Once the initial evaluation process has been completed, up to 5 providers will then move forward to the Invitation to Negotiate (ITN) stage. This will commence on 18<sup>th</sup> November, with bids returned by 10<sup>th</sup> January 2020. A series of negotiation meetings will follow, allowing bidders to further refine their offers. Bidders still in the process will be asked to submit their Best and Final Offers (BAFO) by the middle of March 2020.
- 4.3 Presentations by the shortlisted bidders will take place at the end of March 2020 for customers, staff and stakeholders to attend.

4.4 If, after the full evaluation process has taken place, the Task and Finish group conclude that a bidder has met our full requirements, then a recommendation will be made to the Community and Leisure Panel in June 2020, and Cabinet and Council in July 2020.

## 5. FINANCIAL IMPLICATIONS

5.1 Initial budget of £50k for external expertise to support the procurement process. In addition, we have spent £26k on a full condition survey of all 5 health and leisure centres.

## 6. PORTFOLIO HOLDER COMMENTS

6.1 Since the inception of the cross-party Health and Leisure Task and Finish group in April 2018, this groups work has been progressive, diligent, reflective and now judiciously endorsing the process of seeking a partner to manage the 5 Health and Leisure Centres across the New Forest, in line with the Health and Leisure Vision:

“Working with partners to create active communities by providing affordable, accessible leisure facilities, dedicated to improving physical and mental wellbeing and establishing a sustainable healthy lifestyle legacy for future generations.”

6.2 The “Expressions of Interest” is the very first stage of this process of partnering, which will help to deliver the Health and Leisure vision.

6.3 The Council is seeking a partner to manage the 5 Health and Leisure facilities to help **deliver a sustainable healthy lifestyle legacy for future generations.**

### For further information contact:

Manjit Sandhu  
Executive Head Resources  
Tel: 023 8028 5588  
[manjit.sandhu@nfdc.gov.uk](mailto:manjit.sandhu@nfdc.gov.uk)

Gary Jarvis  
Strategic Procurement Manager  
Tel: 023 8028 5588  
[Gary.jarvis@nfdc.gov.uk](mailto:Gary.jarvis@nfdc.gov.uk)

Cllr Steve Clarke  
Chair of Task and Finish Group  
[steve.clarke@newforest.gov.uk](mailto:steve.clarke@newforest.gov.uk)

### Background Papers

Health and Leisure Review Cabinet 2018 report



# Expression of Interest (EOI) Phase

New Forest District Council Health and Leisure Centres

**Selection of an operator**

**Project Brief (Information Pack)**

# FOREWORD FROM NEW FOREST DISTRICT COUNCIL

**Thank you for registering your interest in the contract for managing a range of the leisure facilities in the New Forest. This document will provide you with all the information you need to work with us.**

The council is committed to a high standard of health and leisure provision to support the well-being of our residents and visitors. We are looking for new ideas to attract increased usage from residents and visitors, as well as providing opportunities for increased income, accepting that our facilities compete with other leisure operators in the catchments as well as the great outdoors.

We are looking to work with an operator who:

- will help us achieve our strategic objectives
- will contribute to the improvement of the health and well-being of the district
- can operate and maintain our facilities and services efficiently and effectively
- can increase participation and reduce inactivity
- recognises the importance of customer service, and
- understands the importance of working in partnership with the council.

Thank you again for your interest.



**Cllr Barry Rickman**  
Leader of the Council



**Bob Jackson**  
Chief Executive



**Cllr Mark Steele**  
Portfolio Holder  
Leisure and Wellbeing

1

THE  
OPPORTUNITY

**Expressions of Interest for the selection of an Operator to manage the Council's five Health and Leisure Centres on behalf of New Forest District Council ("the Council") using a ten year Contract for Services Agreement commencing in Q4 2020.**



## 2

VISION, AIMS &  
OBJECTIVES**Our Corporate vision:**

“to secure a better future for the New Forest by:

- supporting local businesses to prosper for the benefit of the community
- assisting the wellbeing of those people who live and work within the district
- protecting the special and unique character of the New Forest”.

**Corporate Plan 2016 - 2020**

The Council has agreed a set of priorities which it is currently working towards to help it realise this vision. These are:

- Helping local business grow
- Service outcomes for the community
- More homes for local people
- Protecting the local character of our place

These are underpinned by:

- Working with others to achieve more
- Living within our means

**Health & Leisure Vision**

*“Working with partners to create active communities by providing affordable, accessible leisure facilities, dedicated to improving physical and mental wellbeing and establishing a sustainable healthy lifestyle legacy for future generations.”*

We have set out to:

- Improve physical and mental wellbeing
- Provide best value and reduced cost to council tax payers
- Provide social and community benefits
- Support individual and family development and learning
- Benefit the local economy

### **Our Strategic Outcomes**

In order to deliver our Health and Leisure vision, we are aiming to achieve the following shared outcomes through partnership with the selected Operator:

- Affordable and more self-funding leisure facilities
- Accessible ill-health prevention and healthy living schemes
- More people undertaking physical activity (including those in hard to reach groups)
- Reduced obesity
- Reduced social isolation
- Enhanced community facilities that meet local needs
- Accessible and affordable opportunities to learn and develop new skills
- Supporting those in ill health to return to work

## 3

BACKGROUND  
AND SCOPE

**In looking to the future, we are keen to attract experienced health and leisure operators to the New Forest area who have the vision to help develop and support the local economy and improve service provision to residents and visitors. We wish to identify if there are any partners who share our vision and who can capitalise on the opportunities and deliver the most sustainable proposals.**

We expect that the selected operator will have freedom to operate the facilities in line with its experience and knowledge of the leisure industry whilst maintaining a high level of service for the community. This is expected to include careful management of expenditure but also to pursue and maximise additional revenue streams based on its review of the opportunities available within the market and customer base.

Our current expectation is that the Operator's headline responsibilities will include:

- Deliver leisure services that meet the needs of the local communities;
- Full facility management with responsibility for all operational aspects of the service including staff management and health and safety management;
- Responsibility for all income generation including programming, pricing and marketing;
- Responsibility for day-to-day running costs, including repair and maintenance;
- Public liability, employer's liability and contents insurance responsibilities (in line with landlord/tenant arrangement);
- The transfer of all Health & Leisure staff in line with TUPE regulations;
- Options for one-off investment including possible spend-to-save projects funded by the Operator or jointly with the Council;
- Working with the Council to deliver better health and wellbeing outcomes.

## 4

ABOUT THE  
NEW FOREST  
AREA

**The New Forest is situated in the southern part of England. To the north is the M27 motorway, and to the east there is Eastleigh and Southampton, with Bournemouth and Poole to the South West and Wimborne Minster and the rest of Dorset to the west of the Council.**

The main roads through the district include the A31 extending from the M27 down to Ringwood, the A35 traversing south east from Totton to Christchurch and the A337 running from north to south of the district and cutting through the middle of the forest at Lyndhurst. Train services operate across the district connecting some of the towns, with main connections at Southampton and Bournemouth. To the south and east of the district border there lies 40 miles of coastline.

The New Forest was designated a national park in 2005 to give the outstanding landscape the highest level of protection and to preserve it for the nation to enjoy for generations to come. It is one of 15 national parks in the United Kingdom.

The New Forest includes one of the largest remaining tracts of unenclosed pasture land, heathland and forest in the heavily populated south east of England. It covers south-west Hampshire and extends into south-east Wiltshire and towards east Dorset. It is a unique place of ancient history, fascinating wildlife and stunning beauty, originally being a royal hunting preserve.

Most of the New Forest National Park (206 square miles) is within the local government administrative area of the New Forest District Council (290 square miles). Within the district there are 145 square miles of Crown land, managed by Forestry England.





Within the district, towns and parish councils are significant providers of local services, mainly open space and recreational services. In total they levy a precept of over £4.8 million, 26% of the Council’s net budget requirement.

**Some key facts about the New Forest include:**

- Population of the District is circa 179,000
- 34.5% of the population is retired
- 28% of the population is between 45-64yrs
- 76.2% of the population are “Active” or “Fairly Active”, with 23.8% being “Inactive”
- 70% of the population of the district live in the medium size towns in the NFDC area
- 22% live in small and mid-sized towns
- Circa 13.5 million visits per annum, with visitor spend estimated at £246 million pa;

The Local Plan for 2016-2036 sets out plans for new housing growth of approximately 10,500 in the New Forest area which includes the following:

Catchment Area	Dwellings	Population Growth
Applemore	1,530	4,049
Lymington	445	1,468
New Milton	600	1,980
Ringwood	1,670	5,511
Totton	1,760	5,808
<b>Total</b>	<b>6,005</b>	<b>18,816</b>

Further information on key facts and figures are included on the Council’s website using the link: <http://www.newforest.gov.uk/article/730/Facts-Figures-and-Research>



## 5

ABOUT THE  
COUNCIL

The Council is a district council within the Hampshire County Council area and was created on 1 April 1974 under local government reorganisation. It is one of the most populated Council's in England (179,000) which is not a unitary authority and within its boundaries there are 37 active Town and Parish Councils. The Council is made up of 60 seats of which 46 are currently held by the Conservatives, 13 by the Liberal Democrats, and one by an Independent. The Council has a Leader and a Cabinet.



## 6

OUR LEISURE  
FACILITIES

**The Council is inviting expressions of interest from suitably experienced leisure operators (“Operators”) to enter a 10-year contract with the Council (with an optional further 5 years extension) to manage and operate the Council’s leisure facilities.**

The Council currently operates five leisure centres across the district. Some key facts about the facilities include:

- Over 400 live classes per week, plus virtual classes;
- Circa 1.6m visits per annum across the sites;
- Circa 8,000 fitness and swim members;
- Circa 4,500 pupils in the swim school;
- Circa 290 fitness stations;
- All sites are wet and dry;
- Free car parking at the sites; and,
- Approximately 500 employees.

The facilities are currently operated in-house by the council.

## SITE FACILITIES

### Applemore



- 25m pool
- 11m learner pool
- Pool viewing gallery
- Sauna and steam rooms
- 70+ station fitness suite with the latest Life Fitness equipment
- Dedicated weights room
- 5 air conditioned studios
- 24 bike cycling studio
- 6 court sports hall
- Wet changing village and dry changing rooms.
- Outside pre-school play area (private rental)
- Therapy room (private rental)
- Vending area
- Free parking

### Lymington



- 25m pool
- 10m learner pool
- Pool viewing gallery
- Sauna and steam rooms
- 40+ station fitness suite with the latest Life Fitness equipment
- 2 x air conditioned studios
- 18 bike cycling studio
- Wet changing village and dry changing rooms.
- Treatment rooms (private rental)
- Flood lit outdoor three court Astro-turf pitch
- Vending and seating area
- Free parking

## New Milton



- 25m pool
- Pool viewing gallery
- Sauna and steam rooms
- 50+ station fitness suite with the latest Life Fitness equipment
- Dedicated weights room
- 2 x air conditioned studios
- 27 bike cycling studio
- Four court sports hall
- Wet changing village and dry changing rooms
- Vending area
- Free parking

## Ringwood



- 25m pool
- 10m learner pool
- Pool viewing gallery
- Sauna and steam rooms
- 70+ station fitness suite with the latest Life Fitness equipment
- Dedicated free weights area
- 24 bike cycling studio
- 1 x air conditioned studio
- 5 court sports hall
- Wet changing village and dry changing rooms
- Vending area
- Free parking

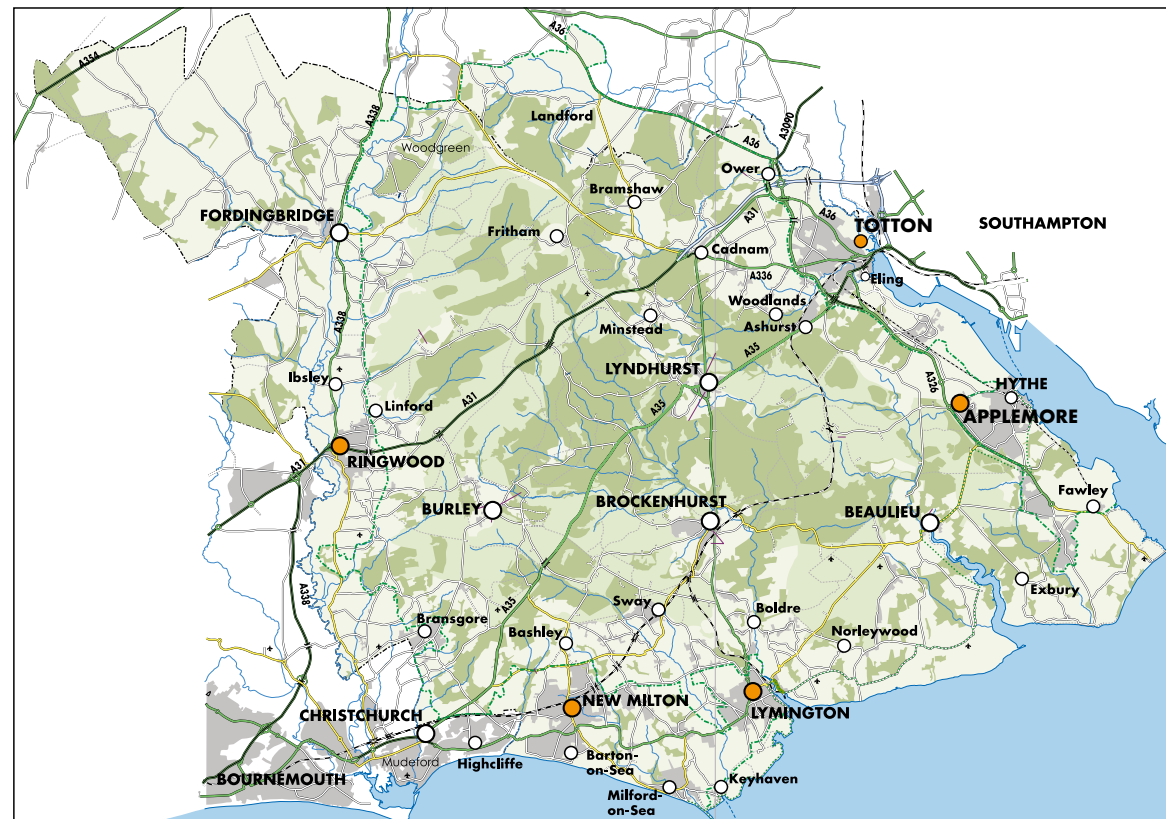
## Totton



- 25m pool
- 10m learner pool
- Pool viewing gallery
- Sauna and steam rooms
- 50+ station fitness suite with the latest Life Fitness equipment
- Dedicated free weights area
- 30 bike cycling studio
- 1 x air conditioned studio
- Four court sports hall and additional access to college hall
- Wet changing village and dry changing rooms
- Vending area
- Free parking

Further information about our facilities and current programming can be found on the New Forest Health & Leisure website: <https://www.newforest.gov.uk/healthandleisure/>

The map below outlines the geographical spread of the facilities across the District.



- Location of health and leisure centres
- Urban areas

### Current performance of the facilities

The service in 2019/20 has been projected to generate an operational surplus to the Council of £470,440. This operational surplus makes a contribution towards (but does not fully cover); larger scale planned building maintenance, investment in ICT, equipment lifecycle costs and corporate and central support service charges.

Based on the latest budget for 2019/20, the table below outlines the current operational income and expenditure of each of the five Council facilities.

All £	Applemore	New Milton	Ringwood	Lymington	Totton	TOTAL
Income	1,682,790	1,307,790	1,400,190	1,372,370	1,466,700	7,199,840
Expenditure	-1,468,070	-1,227,450	-1,329,530	-1,299,570	-1,404,780	-6,729,400
Total	184,720	80,340	70,660	72,800	61,920	470,440

These figures include the net benefit as a result of the council applying the Sporting Services VAT exemption.

# 7

## OUR HEALTH AND LEISURE PROJECTS

The Council routinely undertake updates and maintenance to the sites as well as capital investment in the facilities. Some of the most notable projects in the last three years are:

### Applemore

- Combining existing studios to create a larger studio with modern facilities
- Replacement of the sports hall floor
- Introduction of virtual studios

### New Milton

- Double squash court conversion into free weights area
- Dry changing refurbishment
- Replacement of the sports hall floor
- Installation of LED lighting in sports hall and swimming pool
- Recladding of the corrugated roof

### Lymington

- Complete gym refurbishment
- Refurbishment of the sauna/steam room

### Ringwood

- Gym extension including dedicated free weights area
- Sauna and steam room reconfiguration
- Development of purpose-built spin studio
- Installation of LED lighting in sports hall
- Replacement of the sports hall floor
- Introduction of virtual studios

### Totton

- Gym extension into the dry changing area
- Replacement of pool plant
- Replacement of the sports hall floor
- Introduction of virtual cycling studios
- Installation of LED lighting in sports hall
- Introduction of virtual studios

The Council has undertaken Condition Surveys across the five sites that will be available to the Operators during the ITN stage.

The proposed projects for this coming year 19/20 include:

- Replacement of the AGP (artificial grass pitch) carpet - Lymington
- Refurbishment of structural steels - Ringwood



## SITE VISITS

The council are proposing to hold a site visit open day for the five facilities during the week commencing 30 September. There will be a briefing for interested parties followed by guided site visits. Please request an invitation via the South East Business Portal (SEBP).





# 9

## THE PROCUREMENT PROCESS

**The Council is seeking to select and appoint an Operator with experience, know-how and track record in the delivery of the public sector strategic outcomes, day to day operational management of leisure facilities, asset maintenance and Active Lifestyle programme. The Council will procure this contract using the principles of the OJEU Competitive Procedure with Negotiation which consists of three phases:-**

- Phase 1 - EOI - Obtain expressions of interest from potential operators
- Phase 2 - ITN – Invitations to Negotiation process with shortlisted operators
- Phase 3 - BAFO – Invite final offers from operators post negotiation phase

### **Phase 1 - Expression of Interest (EOI)**

New Forest District Council advertises forthcoming contract opportunities via the South East Business Portal (ProContract) <https://sebp.due-north.com/>. Suppliers can register free of charge on the South East Business Portal.

Interested parties should complete the EOI Supplier Self Declaration response form (which should be downloaded) and then upload to ProContract by the close date specified. Following the close date for Expressions of Interest the Council will assess the Supplier Self-Declaration submitted by candidate(s) who have responded.

The purpose of the Supplier Self-Declaration is to assist the Council in the evaluation potential candidates for this tender opportunity. Under Public Contracts Regulations 2015 the Council is permitted to ask relevant and proportionate “suitability assessment questions”, designed to enable it to assess “whether candidates meet minimum standards of suitability, capability, legal status or financial standing”.

Note: Self-declaration submissions that fail any question from the pass/fail section will not progress any further in the process and the supplier will be informed of their exclusion via the Councils e-tendering portal (ProContract hosted via the SEBP).

All Expression of Interest submissions will be reviewed by the Council in order to select a short-list of suppliers (maximum of five) to be invited to the negotiation phase of the tender. Candidates not short-listed will be excluded from the process and advised via ProContract SEBP messaging function.

As outlined above, site visits will be available for interested parties to view the five leisure centres during the EOI phase.

**Phase 2 - Invitation to Negotiate (ITN):**

Short-listed suppliers from the EOI phase (max 5) will be invited to Phase 2 of the procurement process via ProContract SEBP. The ITN phase will provide time for tenderers to develop their proposal, ask clarification questions before submitting a formal tender submission. Following the ITN closing date for initial tenders, the Council's evaluation panel will score responses and invite a short-list of candidates to engage in a series of negotiation events. Candidates not short-listed for negotiation will be excluded from the process and advised via ProContract SEBP messaging function. The Council will have the right to appoint at the end of the initial tender stage.

**Procurement Phase 3 – Best and Final Offers (BAFO):**

Once the Council is satisfied that it has a solution from bidders, the Council will close negotiation and request those candidates still in the process to submit their best and final offers to operate the five Facilities on behalf of the Council.

Following the BAFO closing date for Final Tenders, the Council's evaluation panel will score responses and select its Preferred Bidder. Following the clarification of commitments and then the OJEU standstill period the Preferred Bidder will be awarded the contract.

**Timetable**

The table below highlights the key milestones for the procurement exercise.

Key Milestones	Date
Contract Notice Advertised via OJEU & South East Business Portal	Advert issued: 16/09/19
Expression of Interest (EOI) Phase  Includes Leisure Centre Open Day* with briefing for interested parties followed by site visits * note: please request invitation via SEBP Q&A	Starts: 16/09/19 Open day event: w/c 30/09/19 Q&A ends: 14/10/19 Closes: 18/10/19 Evaluation ends: 01/11/19 Candidates Notified: w/c 11/11/19
Invitation to Negotiate (ITN) Phase Initial Tenders stage Short-Listed candidates only	Starts: 18/11/19 Q&A: 16/12/19 Closes: 10/01/20 Evaluation: 24/01/20 Candidates Notified: w/c 03/02/20
Invitation to Negotiate (ITN) Phase Negotiation Stage Bidder presentation event  Negotiation meeting(s) as required	Bidder presentations: w/c 10/02/20 Starts: 17/02/20 Closes: tbc 06/03/20
Best & Final Offers (BAFO) Phase BAFO submissions from remaining candidates	Starts: tbc 06/03/20 Q&A: 16/03/20 Closes: 20/03/20 Bidder Presentation: w/c 23/03/20 Evaluation ends: tbc July 20
Award Decision OJEU Intention to Award Notice Issued Notify ALL remaining candidates of the contract award decision	Notice issued: tbc OJEU Standstill: tbc Contract award: tbc
Commencement of Contract	Mobilisation plan: tbc October 20

It should be noted that the timetable is subject to change.

### Clarification Questions

Please direct any clarification questions you may have via the SEBP using the Messaging feature.

Problems using the SEBP ProContract (hosted by Proactis.com):

If you are a Supplier experiencing problems with your SEBP connection (e.g. login / password / access issue) please contact Proactis at ProContractSuppliers@proactis.com or by logging a ticket on the Supplier Support Portal

### Contacting New Forest District Council

Please direct any queries you have in relation to this EOI to the Procurement Team via the SEBP messaging feature. If you are experience problems our contact details are;

#### **New Forest District Council (Procurement Team):**

**Email:** procurement@nfdc.gov.uk

**Phone:** 023 8028 5588

Attachments:

- Supplier Self Declaration (SSD) – A mandatory response form to be completed and returned via the SEBP to register your expression of interest in this opportunity.
- Guide for Tenderers – Information pack for tenderers explain the procurement process.



[newforest.gov.uk](http://newforest.gov.uk)

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**CABINET – 4 SEPTEMBER 2019**

**PORTFOLIO: PLANNING AND  
INFRASTRUCTURE**

## **POSITION STATEMENT ON NUTRIENT NEUTRAL DEVELOPMENT – INTERIM NITROGEN MITIGATION SOLUTION**

### **1. RECOMMENDATIONS**

1.1 It is recommended that Cabinet:

(a) approves the approach to mitigation as set out in the report;

(b) notes that the Planning Committee will be advised of the mitigation approach agreed by the Cabinet, as a material planning consideration in their determination of planning applications;

(c) continues to work through the Partnership for South Hampshire (PfSH), the Local Government Association and Members of Parliament to lobby central government to resolve the contradictory positions held by agencies within DEFRA and the Ministry of Housing, Communities and Local Government (MHCLG) and to develop a comprehensive, long term, funded mitigation strategy for the Solent area;

(d) notes that a further report will come back to Cabinet to seek agreement of a definitive Nitrate Mitigation solution.

### **2. THE PURPOSE OF THE REPORT**

2.1 This report considers an Interim Nitrate Mitigation solution for the District. This report details the present situation for the District in relation to advice from Natural England (the statutory advisor on protected sites), that developments in the District must be nitrogen neutral to mitigate any likely significant effect on internationally important protected sites in the Solent.

2.2 The Local Plan Review Inspectors have been advised of the updated position together with details of the work being carried out through PfSH.

2.3 This report details a package of measures which together form an interim mitigation solution which enable the Council to move forward to a position where planning permissions can continue to be issued. In the absence of an interim strategy the Council would not be able to issue permissions for development of 1 dwelling or more or developments that would result in an increase in overnight accommodation.

- 2.3 Further the report gives an update on progress made by the (PfSH) to develop a sub-regional, long term strategy to address the sources of nitrate pollution in the Solent with central government agencies.

### **3 BACKGROUND**

- 3.1 The Council has a significant housing need to meet within the District. To meet this housing need significant housing development has been promoted through the Local Plan Review. The Council also has committed to build a significant number of new homes as set out in the Council's Housing Strategy.
- 3.2 The Council takes seriously its responsibility to provide for sustainable development in the New Forest. Sustainable development is that which respects equally the three pillars of sustainability: economy, environment and social. This is a key element of the National Planning Policy Framework.
- 3.3 The Council is committed through the New Forest Local Plan Review 2016- 2036 to new development only taking place if it is sustainable development that includes the relevant environmental protections incorporating features to encourage biodiversity and retain and where possible enhance existing features of nature conservation value. Part of the consideration of this is whether there would be a detrimental impact on the water quality of the nearby European designated nature conservation sites in the Solent.

#### **The Habitat Regulations**

- 3.4 The Conservation of Habitats and Species Regulations (2017 as amended), hereafter referred to as the Habitats Regulations is the UK's transposition of the European Union Directive 92/43/EEC Conservation of Natural Habitats and of Wild Fauna and Flora. The Regulations place significant responsibilities on the Council as competent authority for the protection of ecology. Regulation 63 requires competent authorities to undertake an 'Appropriate Assessment' of the implications of the permission, if it is likely to have a significant effect on a European site.
- 3.5 The Appropriate Assessment considers potential impacts against the conservation objectives of any European sites designated for their nature conservation importance. If a likely significant effect is predicted, planning permission can only be granted if the competent authority can determine that there will be no adverse effect on the integrity of the site having regard to any proposed mitigation measures. Therefore, if mitigation measures are not available or sufficient to avoid the adverse effect, then the competent authority would not be able to conclude that



the plan or project would not have an adverse effect.

- 3.6 Such European sites include Special Protection Areas (SPA) designated to conserve important or threatened bird species and Special Areas of Conservation (SAC) designated to conserve important and rare habitats. Significant effects on European designated sites can be caused through a number of impact pathways such as direct/indirect habitat loss, increase of recreational disturbance, construction, activities, air and water pollution.
- 3.7 It is also necessary for the competent authority to consider not only the impact of a single plan or project in isolation but the likelihood of a significant effect occurring in combination with other plans and projects.

### **Recent case law**

- 3.8 An established approach is that the Appropriate Assessment must use the 'precautionary principle' when determining likely significant effects. If it is not possible to rule out a likely significant effect, the competent authority must work on the basis that one exists and undertake an Appropriate Assessment. The precautionary principle also dictates that there must be certainty over the effectiveness of the mitigation measures to rule out any adverse effect. This precautionary principle has been reinforced by a recent case determination from the European Court of Justice commonly referred to as the 'Dutch Case'.
- 3.9 The Dutch Case also clarified the requirement that mitigation is to be secured at the time of carrying out an Appropriate Assessment for the competent authority to conclude with certainty that any mitigation proposed would sufficiently mitigate any adverse effects arising from the plan or project in question.

### **Water Quality in the Solent**

- 3.10 PfSH authorities commissioned an Integrated Water Management Study (IWMS) looking into the effects of planned future development on water quality and water resources. The IWMS noted that the majority of the Solent water bodies had in most cases, less than good ecological status for elements such as dissolved inorganic nitrogen (made up of nitrates, nitrites and ammonium). The IWMS also identified that some Wastewater Treatment Works (WwTW) would reach capacity in the early to mid-2020s and that by this point, action would have to be taken to ensure that these issues are satisfactorily mitigated. Therefore, at present, the impact on the Solent SPA and SACs from development is uncertain and the effectiveness of any proposed mitigation is unknown.
- 3.11 The Integrated Water Management Strategy was approved in 2018. Given the

need for a comprehensive and definitive mitigation strategy to be agreed which will enable nutrient neutral development to take place into the future, a Water Quality Working Group was set up through PfSH to look in more detail at the issue of nutrient neutrality. The Working Group includes representatives from Natural England, the Environment Agency and Southern and Portsmouth Water. Ideally the Strategy would be facilitated by Government, however failing that, a PfSH strategy addressing the issue will be prepared in collaboration with Natural England, the Environment Agency and the Water Companies.

- 3.12 One of the causes of a deterioration in water quality is new developments creating additional wastewater which is treated at Wastewater Treatment Works (WWTWs) and discharged into the Solent. The percentage of nitrate coming from this source varies depending on the location in the Solent but is small (3-18%) in comparison to run-off from agriculture (20-77%) and background levels already in the waterbody (12-67%).

### **Natural England's Advice**

- 3.13 Based on the existing condition of the Solent water bodies and considering the implications of the more recent Dutch case ruling, Natural England advised the New Forest District Council verbally on the 9<sup>th</sup> August 2019 that development which would result in an increase in 'overnight' stays, should achieve nitrate neutrality to not have any likely significant effects. Natural England has also now confirmed its position in a consultation response relating to a specific application. The Council as competent authority under the Habitats Regulations, must have regard to Natural England's advice as a statutory consultee, and national body responsible for the natural environment. The Council should only depart from the advice of Natural England for good and justified reasons.
- 3.14 The affected catchment is all parts of the Plan Area west of, and including New Milton, which are serviced by Southern Water waste water treatment plants (Pennington, Ashlett Creek and Snowhill Copse). Any development in this area served by local treatment plants or septic tank arrangements discharging to water courses that drain to the Solent are also affected including most of the New Forest National Park.
- 3.15 Several other planning authorities across the Solent in considering negative comments from Natural England on specific planning applications and, following Counsel's opinion, have taken the decision to temporarily cease granting planning permissions whilst mitigation strategies are developed. Some Councils have not been able to issue permissions for several months as they have explored options for mitigation.

- 3.16 Advice to local planning authorities in the Solent region, Natural England has acknowledged that there is 'uncertainty as to whether new growth will further damage designated sites'. It is Natural England's advice to local planning authorities and applicants to be 'as precautionary as possible' when addressing uncertainty and calculating nutrient budgets. The contrast between 'scientific proof' and 'as precautionary as possible' may become significant if decisions by local planning authorities are challenged through the Court.

### **Environment Agency Advice**

- 3.17 By contrast, the Environment Agency in a technical note states 'using our evidence we have confirmed that no further investment is needed to treat wastewater to a tighter nitrogen limit for any of the treatment works in the Solent area. The Environment Agency go on to say that 'Where new development can be accommodated within the current waste water discharge activity permit limits individual Wastewater Treatment Works i.e. that there is capacity to take the extra wastewater flows from new development whilst still treating affluent to the same standard, then we consider the development would be acceptable.'
- 3.18 Both Natural England and the Environment Agency are agencies of the Department for Environment, Food & Rural Affairs (DEFRA). DEFRA is also responsible for OFWAT, Water UK and the regulation of the farming industry. Water quality degradation from nitrates and phosphates largely stems from agricultural practices which tend to operate within existing consenting regimes.

### **Calculating nitrate neutrality**

- 3.19 Natural England has produced guidance on how to calculate nitrogen budgets for developments. The calculations compare the existing land use to the proposed land use in terms of nitrate loading and use assumptions on water use and occupancy rates to help planning applicants determine whether more or less nitrate will come from the site (either through run off or via the sewerage system) if permission was granted. Natural England suggest that larger sites, particularly those on agricultural land may achieve neutrality by providing enough open space. Achieving neutrality on smaller sites and brownfield developments is likely to require off-site mitigation.

## **PfSH Work**

- 3.20 Though PfSH there has been various lobbying to highlight the issue to central government and the impact on housing delivery, investment confidence and survival of SME developers across the area. At the PfSH Joint Committee on 31 July 2019, it was agreed, amongst other things, that there was a need to gain a greater understanding of the nature of the issue, that lobbying continues and that there was a need to develop a long-term water quality and mitigation plan, to achieve nutrient neutral development.
- 3.21 PfSH has also made representation to the Ofwat report proposals (published in June 2019) to impose a penalty on Southern Water for a range of failings in its statutory duties as sewerage undertaker, including planning and investment in their infrastructure.
- 3.22 Natural England met with MHCLG on 19 June 2019 to discuss the need to address the source of the problem (environmental permitting regimes and insufficient wastewater treatment practices by statutory undertakers) and the impacts of local planning authorities from housing delivery. MHCLG agreed to organise a cross government/department meeting. MHCLG also attended a meeting with PfSH Planning Officers group on the 20th August which was the start of an on-going conversation with Government on the matter. One proposal is that the Environment Agency should be instructed to commence review of the permits of Waste Water Treatment Works earlier and undertake a robust Appropriate Assessment on the permits.
- 3.23 The PfSH Water Quality Working Group, in partnership with the relevant Government bodies, is considering several interventions, both to reduce the inputs of nitrates into the local catchment and to manage the input of nitrates into the sensitive areas of the Solent. Most of these mitigation measures are medium to long term and will form the basis of a PfSH wide Strategy.

## **Approach of other PfSH authorities**

- 3.24 Several PfSH authorities that have been faced with withholding the issue of planning permissions have now identified a package of potential short to medium term mitigation measures that can assist developments where on-site avoidance and/or mitigation is not possible. These authorities have either formally adopted Interim Strategies or are currently seeking Member approval. These Interim Strategies acknowledge the Council's responsibilities and the need for mitigation, the kind of mitigation packages that will deliver mitigation and the approach towards securing these through a Grampian Condition on planning permissions. The first authority that moved forward with this approach sought Counsel Opinion

on the proposed approach which has confirmed its validity. The approach taken by these Councils has been supported by Natural England.

- 3.25 In all cases further work by individual Councils is necessary to clarify precisely what package of mitigation measures will be enacted in the short term together with calculation to the resultant cost for development schemes of providing the mitigation. Each authority will then use a Grampian style condition to enable permissions to be granted. It should be noted that whilst this is providing a solution, for some applicants the use of a Grampian style condition is not acceptable.

### **Nitrogen Budget for the District**

- 3.26 An exercise has been carried out by officers applying Natural England's nitrogen budget methodology to planned development within the District. This has confirmed that planned development, including the development promoted in the emerging NFDC Local Plan, will generate a large increase in nitrogen discharge to the Solent (a total load of 11,000kg N per annum for 6500 additional homes 2018-2036).
- 3.27 The affected catchment is all parts of the Plan Area west of, and including New Milton, which are serviced by Southern Water waste water treatment plants (Pennington, Ashlett Creek and Snowhill Copse). Any development in this area served by local treatment plants or septic tank arrangements discharging to water courses that drain to the Solent are also affected including most of the New Forest National Park.

### **Implications**

- 3.28 Whilst the longer-term partnership work is intended to create a sustainable mitigation strategy to enable growth in the region, the inability to grant planning permission would have significant implications for housing delivery and meeting housing need within the District and the overall economy of the area. On a more technical note it would also have serious implication for the Housing Delivery test and the Council's 5-year housing land supply. Whilst larger sites should be able to demonstrate nitrate neutrality this will be difficult to achieve at application level on smaller sites.
- 3.29 Given the recent advice from Natural England, any permissions issued without achieving Nitrate neutrality or having a mitigation strategy to address the issue, would be at risk of legal challenge through the Courts.
- 3.30 The emerging Local Plan already requires Nitrate neutrality for larger sites in

accordance with previous Natural England advice. Nitrate neutrality was not debated in the recent Local Plan examination hearings but will be an issue at Main Modification stage in autumn 2019.

- 3.31 Policy 10 (Mitigation) will need to be slightly modified to reflect the current position, and supplementary Habitats Regulations Assessment or commentary may be needed. This will form part of the Main Modifications, however given the significance of the issue the Inspectors have been informed of the position and the proactive approach of the Council in terms of considering this report, the initial progress towards finding solutions to enable development to take place in the period before strategic solutions emerge together with an update on the work through the PfSH WQWG. All of which will demonstrate to the Inspector the deliverability of the Local Plan in the current Nitrate context.
- 3.32 Officers have also now spoken with the promoters of the main strategic sites with further meetings scheduled to identify plausible Nitrate offset mechanisms for planned development in the Local Plan Review, including any early wins that might create head room to enable permissions on smaller schemes to be issued on the short to medium term.

### **Proposed Approach to mitigation**

- 3.33 Given the uncertainties around outcomes and timescales in the PfSH process and the need to progress the Local Plan Review Main Modifications, it is proposed that officers explore options that can be delivered locally alongside participating in PfSH initiatives. Initial discussions with the NFNPA indicate scope for and benefits from taking a District wide approach.
- 3.34 Given the complexity of the issue and the ability for some solutions to come forward more quickly than others, it is likely that a suite of measures will be needed to deliver nitrate neutrality in the District. These measures could include a mix of the following:
- Acquiring and retiring agricultural land: 600 -1,400 hectares would be required to offset the Local Plan in full, depending on the intensity of agricultural production on the land obtained. If obtainable at agricultural values this might cost £15-45 million (£2,300-£7,000 per dwelling) with serious consequences for viability and affordable housing provision. This option does not appear practicable unless offered by a developer who also has suitable offset land available.
  - Woodland planting: this may increase the efficacy of agricultural land set-aside and reduce the amount of offset land needed. This could also form part of on-site mitigation on larger sites, within (parts of) areas provided for recreational habitat mitigation. Up to £6,800/ha. may be available to offset costs via the [Countryside Stewardship Woodland Creation Grant](#).

- A strategic-scale woodland could also help to provide Solent-wide recreational mitigation for recreational impacts on the New Forest SPA/SAC. Some element of commercial return to land owners may also help offset costs, and it may not be necessary to acquire the land.
  - Installation of Waste Water Treatment Works (WWTW) filter wetlands: ideally downstream of WWTW to strip out additional. This approach appears to offer the most tangible opportunity in NFDC/NFNPA to secure a significant long-term benefit in a relatively short timeframe. Site SS3 Marchwood Farm is next to Slowhill Copse WWTW through which 40% of Local Plan Nitrate load will be discharged. The Fawley planning application extends to land adjoining Ashlett Creek WWTW (40% NFDC Nitrate load). All would require Southern Water and land owner cooperation, and where applicable cooperation with NFNPA, but the developers affected also need to achieve Nitrate neutrality. There is also land south of Pennington WWTW owned by HCC which can be explored (20% NFDC Nitrate load).
  - Wetland efficiency and achievability is being investigated further starting with initial land owner soundings (Barker Mill Trust, Fawley Waterside / Cadland Estate). Funding may be available through the LEP Solent Prosperity Fund, provided there is a private sector contribution (bid rounds late September and late November 2019).
  - SUDs and urban drainage: run off from urban areas including open space contributes to Nitrate loads, as well as waste water treatment discharge. Where SUDs are appropriate and can be designed to receive urban and other run off before discharging to drains, there may be some scope to trap Nitrate in on-site mini wetlands or silt traps. Such opportunities will vary by site at planning application stage, but it may be possible to identify and estimate potential Nitrate savings given site specific Nitrate load has been calculated using Local Plan concept masterplans and land budgets.
  - NFNPA Land Advice Service grants: grant funding may be possible to support landowner-led environmental improvement projects e.g. to reduce Nitrate run off from agriculture. Based on experience in the Avon catchment, Natural England are unlikely to agree that such measures would create permanent / in perpetuity changes to Nitrate levels, but they may generate early headroom whilst longer term solutions are identified. As an established service it also offers a direct connection to local land owners.
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- ENtrade: this is an environmental trading platform run by Wessex Water but open for use in other areas. Land owners or other relevant parties can submit bid proposals to deliver defined objectives such as Nitrate reduction. A District-wide or PfSH-wide bid round could be considered. This approach is also best considered as creating temporary headroom.
  - Water efficiency measures in existing Council housing stock; As the wastewater treatment works operate on a permissible amount of nitrogen per litre of water, reducing the number of litres discharged from the works also reduces the amount of nitrogen going into the Solent. Installing water efficiency measures in existing housing stock, such as Council owned housing stock, could provide enough reductions in water use to offset some new development. Developer contributions could be used to fund the provision and installation of water efficiency kits. This could also benefit our tenants.
  - Review of use and quality of fertilizers on NFDC/Town and Parish Council land; for Parks, open space, playing pitches and green space in our control, specialist advice may provide more informed analysis over the use and quantity of fertilizer applied. Managing fertilizer use to reduce nitrate leeching would however need to be balanced in its consideration to ensure continuation of the quality of open space and the impact on grass playing surfaces.
  - Measures to provide additional water efficiency measures throughout residential accommodation in the District; this would look at retro fitting measures and partnership arrangements with for example Water companies to further promote water efficiency for all residents in the District.
  - Role of current open space and SANG provision; to review all current land held by the Council for open space purposes to assess whether it could play a role in nitrate mitigation.
- 3.35 Further discussions are required with third parties to advance many of these options. Early work suggests that a combination of measures would be enough to provide a solution for housing development going forward. This information would be developed in a Definitive Nitrate Mitigation Solution that would confirm the level of mitigation is enough to offset the scale of development, both for several current planning applications and the Local Plan. As the Definitive Solution is being worked up, the Council would be able to issue permissions with Grampian style conditions, subject to agreement with applicants, which would prevent occupation of the dwellings until such a time as the Council can be satisfied that enough mitigation is secured to be able to conclude that there would be no adverse effect on the European sites. For those developments that will depend upon the Council's mitigation solution, there will be a financial charge to the developer



secured through a legal agreement or similar.

- 3.36 However, it is important to note that each case will be dealt with on its merits and different mitigation may be proposed or secured depending on the circumstances. For example, if the development can provide enough mitigation on or off-site to demonstrate nitrate neutrality, the planning application can be determined on that basis and Grampian style conditions need not apply. The Council may be able to conclude no adverse effect on integrity of designated sites in a number of ways.
- 3.37 The analysis that officers have undertaken suggests that there would be ample headroom for all NFDC planned development if current Nitrate permit levels for the Solent area Waste Water Treatment Works in the District were tightened to current best affordable technology. Whilst the prospects of securing such investment appear limited in the short to medium term before the next water industry Price Review (2024) and associated 2025-2030 investment plans, it is possible that the currently elevated profile of this issue with Government might unlock other funding opportunities to achieve investment sooner, and that on a cost neutral basis that the water industry might support them.

### **Agreeing the solution with Natural England**

- 3.38 Natural England has supported similar approaches with other local planning authorities. A meeting has been arranged with Natural England to agree this approach. If Natural England do not agree, a further report will be brought back to Cabinet.
- 3.39 In practice, this means that when consulted on the Appropriate Assessment for a planning application, Natural England would raise the issue of water quality and the need for nitrate neutrality on developments and note that mitigation is not secured at the present time but will be secured via a Grampian condition. They would therefore not object to the granting of planning permission. Before discharging that condition, the Council would re-consult Natural England on a revised Appropriate Assessment demonstrating how the proposed mitigation would be secured to ensure no adverse effect on the European sites.

### **Practical Arrangements**

- 3.40 Several practical arrangements will need to be put in place to manage current applications, pre-application enquiries and appeals and communicate to current and potential applicants.
- 3.41 For information it is proposed that the wording of the Grampian condition should be:-
- 'The development hereby permitted shall not be occupied until: a) A water efficiency calculation in accordance with the Government's National Calculation

Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority; and c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.'

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that enough mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy 10 of the Local Plan Review 2016-2036

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 This report sets out a suite of mitigation measures in conjunction with a Grampian condition which officers consider will allow the LPA to conclude in any appropriate assessment that a development will not cause an adverse effect on the integrity of the relevant designated site allowing planning permissions to be granted. Each application must be treated on its merits and determined in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004. Any mitigation measure identified for an application will need to be considered as part of the appropriate assessment for that application.
- 4.2 The cost of the proposal will be at no overall cost to the Council in the medium term, however there may be some upfront costs with the planning and finance team working together to agree funding options. Any additional budgetary pressure will be reported back to the Cabinet.

- 4.3 For those developments that will utilise the Council's nitrogen mitigation solution, financial contributions will be required from the developers which will cover the upfront costs borne by the Council. It may be that the costs and income span more than one financial year, but this will be monitored closely to make sure the money is received correctly.

## **5 CRIME & DISORDER, ENVIRONMENTAL IMPLICATIONS**

- 5.1 The Environmental implications are set out in the report. There are no Crime & Disorder implications.

## **6. EQUALITY & DIVERSITY IMPLICATIONS**

- 6.1 The recommendations of this report have no impact on the protected equalities groups.

## **7. PORTFOLIO HOLDER COMMENTS**

- 7.1 The portfolio holder supports the recommendations as a pragmatic way forward to ensure the delivery of the required housing development while ensuring legal compliance and the protection of the environment.

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### **Background Papers**

Environment Agency Technical Guidance Note Solent and South Downs

Natural England Advice on Achieving Nutrient Neutrality for New Development in the Solent Region

Notice of Ofwat's proposal to impose a penalty on Southern Water Services Limited;  
[www.ofwat.gov.uk/publication/notice-of-ofwats-proposal-to-impose-a-penalty-on-southern-water-services-limited](http://www.ofwat.gov.uk/publication/notice-of-ofwats-proposal-to-impose-a-penalty-on-southern-water-services-limited)

PfSH(June 2018) Integrated Water Management Study prepared by Amec Foster Wheeler Environment & Infrastructure UK Ltd.  
[www.push.gov.uk/wp-content/uploads/2018/07/Item-10-Integrated-Water-Management-Study-Cover-Report.pdf](http://www.push.gov.uk/wp-content/uploads/2018/07/Item-10-Integrated-Water-Management-Study-Cover-Report.pdf)

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