



# **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.**

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Date of Report: 25 June 2019

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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;

- 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 NFDL 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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