

## NEW MILTON 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 New Milton Neighbourhood Development Plan (Appendix 1 shows the submission plan);
- ii. agrees the examiner’s proposed modifications and Council responses to them as set out in the Decision Statement (Appendix 3);
- iii. agrees to make the necessary arrangements for the New Milton Neighbourhood Development Plan to proceed to referendum (the date of the referendum is anticipated to be as soon as practicable after the adoption of the Local Plan Review)

### 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. As the referendum is a community decision to agree, or not, the Neighbourhood Plan as modified, in practical terms the decision to take the Neighbourhood Plan to referendum is also an endorsement of the document by the Council in its final form.
- 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 its 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 New Milton Neighbourhood Development Plan ‘Neighbourhood Area’ was designated in February 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 New Milton Neighbourhood Development Plan has been overseen by a steering group of town councillors and community representatives. The Town Council undertook an initial public consultation in 2016 to inform the preparation of the Plan, and published its initial Pre-Submission Neighbourhood Plan in April 2018. Following the submission of the draft neighbourhood plan to the two local planning

authorities in the summer of 2019, the Plan was subject to a final 6 week public consultation between 9<sup>th</sup> September and 21<sup>st</sup> October 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 Examiner's role is also, if required, to recommend Modifications where they are necessary to enable the basic conditions tests to be met.
- 3.7 The Council (with the National Park Authority) has had a role in providing advice and assistance to the Town 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 New Milton Neighbourhood Development Plan has now been through its Examination and the independent Examiner's report (December 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 Appendix to the Examiner's Report (pages 21 – 24).
- 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 Councils proposed responses are set out in the Councils Decision Statement (Appendix 3).
- 4.3 NFDC, NPA and the New Milton Town Council met in January 2020 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 New Milton 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 regarding 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 no later than 8 weeks after the referendum date. It then becomes a part of the statutory Development Plan, alongside the adopted Local Plan.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 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**

- 7.2 None directly arising

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

- 8.1 None directly arising.

## **9. PORTFOLIO HOLDER COMMENTS**

- 9.1 The Portfolio Holder congratulates the New Milton Development Plan Steering Group on their work in preparing the Plan and is delighted that a second Neighbourhood Plan within the District can now proceed to a local referendum.

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### **Background Papers:**

Appendix 1 – [New Milton Neighbourhood Plan](#)  
(Submission Version, May 2019)  
Appendix 2 – Examiners Report  
Appendix 3 – NFDC Decision Statement

