



## **New Milton Neighbourhood Development Plan – Decision Statement (January 2020)**

### **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 New Milton Neighbourhood Plan was submitted for independent Examination in early 2019 and the Examiner's Report was issued on 19<sup>th</sup> December 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 New Milton 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 New Milton Neighbourhood Development Plan relates to the area that was designated by New Forest District Council and New Forest National Park Authority in February 2015. This 'Neighbourhood Area' corresponds with the New Milton 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 New Milton 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 October 2019.

- 2.3 David Hogger BA MSc MRTPI MCIHT was appointed by New Forest District Council and New Forest National Park Authority – with the agreement of New Milton 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 (December 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 New Milton Town 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 – Modifications**

Report Ref.	Examiner’s recommended modification	Examiner’s Justification	New Forest District Council Decision
<u>Chapter 6 – Land Use Policies</u>			
PM1	<p>Policy NM3, Page 36</p> <p>Insert a Concept Plan of the Caird Avenue site which identifies those land use requirements that are referred to in Policy NM3.</p>	<p>The Town Council has prepared a more detailed Illustrative Masterplan for land at Caird Avenue (the ‘Concept Plan’) which makes it clear what is expected on the site. I recommend the Concept Plan is included in the Neighbourhood Plan.</p>	<p>Accept modification. Provides clarity.</p>
PM2	<p>Policy NM3 c iii, Page 36</p> <p>Correct the wording of NM3 c.iii to read: “...Habitat Regulations and <del>the</del> <b>relevant</b> adopted <del>New Forest Special Protection Area Mitigation Strategies</del> or <b>any</b> future <b>relevant</b> requirements...”</p>	<p>Criterion iii. Of Policy NM3 should be corrected in the interests of accuracy and further clarified to specify that the ‘future requirements’ referred to, should be relevant and I recommend accordingly.</p>	<p>Accept modification. This provides a more accurate position.</p>
PM3	<p>Paragraph 6.14, Page 37</p> <p>“Specify the Local Plan referred to in the first sentence as <b>the New Forest District (outside the National Park) Local Plan Part 2: Sites and Development Management (2014)</b> and delete <del>The residential element of the site, as set out in Policy NMT4 (54 homes), will be addressed on opportunity sites in the town centre</del></p>	<p>It would be helpful to clarify which Local Plan is being referred to; Polices NMT4 and NMT5 are part of the New Forest (outside the National Park) Local Plan Part 2: Sites and Development Management (April 2014); and secondly, the last sentence should be deleted because it is misleading and unclear.</p>	<p>Accept modification. Provides clarity.</p>

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	regeneration area as set out in the supporting text to Policy NM5.”		
PM4	<p>Policy NM4, Page 38</p> <p>Amend criterion vi. To read:</p> <p>“vi. Does not cause significant harm to the amenities, <b>health and well-being</b> of existing nearby residents...”</p>	In order to further strengthen the policy and more accurately reflect the National Design Guide (for example see pages 1 and 123 of the Guide), it is recommended that Policy NM4 vi. Should refer to ‘health and well-being’.	Accept modification. Better reflects national guidance.
PM5	<p>Paragraph 6.21, Page 39</p> <p>Insert a new paragraph after paragraph 6.21 to read:</p> <p><b>“Where appropriate the design of proposed development should be informed by the 10 characteristics of well-designed places as explained in Part 2 of the National Design Guide (October 2019).”</b></p>	In order to ensure that the most up-to-date advice on the matter is acknowledged, it is recommended that a new paragraph be inserted after 6.21 to make reference to the National Design Guide (2019).	Accept modification. Better reflects national guidance.
<u>Policies Maps</u>			
PM6	Town Centre Policies Inset Map, Page 77	In the interests of clarity, I recommend that the Plan differentiates between the open Recreation Ground and the area for the cultural and community hub.	Accept modification.

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	Clarify the plan on page 77 by differentiating between the open Recreation Ground and the area for the cultural and community hub.		
<u>Chapter 6 – Land Use Policies</u>			
PM7	Policy NM7, Page 50  Amend title of policy to read:  “Policy NM7 Cultural & Community Hub <b>and War Memorial Recreation Ground.</b> ”	In order that this clarity in the Town Centre Policies Inset Map is reflected in the policy, it is also recommended that the title of the policy be amended accordingly.	Accept modification. Ensures consistency with modification PM6
PM8	Policy NM13, Page 59  Insert ‘ <b>Barton</b> ’ before the two sub-headings of ‘Seafront’ and ‘Gardens’.	Policy NM13 includes references to three areas: Seafront, Gardens and Becton Bunny but it is unclear to the reader what the boundaries of these areas are. I therefore recommend, in the interests of clarity that the titles of the two areas: ‘Seafront’ and ‘Gardens’, are clarified by the inclusion of the word ‘Barton’ before them.	Accept modification. Provides clarity.
PM9	Paragraph 6.77, Page 60  Add a footnote to the paragraph stating:  “ <b>See the New Milton Local Distinctiveness Supplementary Planning Document for more advice.</b> ”	In the interests of clarity cross-reference to the New Milton Local Distinctiveness SPD should be included in a footnote to paragraph 6.77.	Accept modification. Provides consistency.

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PM10	<p>Policy NM15, Page 63</p> <p>Insert the word <b>satisfactorily</b> before the word 'demonstrated'.</p>	<p>The loss of employment land should only be supported in exceptional cases and therefore the employment policy should be as clear as possible. To that end, it is recommended that the word 'satisfactorily' be inserted before 'demonstrated', thus removing any doubt.</p>	<p>Accept modification.</p>
PM11	<p>Paragraph 6.92, Page 69</p> <p>Insert a new paragraph 6.92 to read:</p> <p><b>“In an area where there is likely to be significant change, it is important that the adopted policies are appropriately monitored to ensure that any change in circumstances can be properly addressed. To that end New Milton Town Council, with the support of the District Council and the National Park Authority, will continue to act as guardian of the Neighbourhood Plan and keep the content and implementation of the policies under review.”</b></p>	<p>It is important that plans, of whatever scale, are appropriately monitored in order to ensure that they remain effective. There is an important role for New Milton Town Council in this process, but this is not reflected in the text on page 69. It is therefore recommended that a new paragraph is inserted before paragraph 6.92 to more accurately reflect the situation.</p>	<p>Accept modification</p>
PM12	<p>Paragraph 6.92, Page 69</p> <p>Renumber the paragraph <b>6.93</b> and amend the wording to read:</p>	<p>It is important that plans, of whatever scale, are appropriately monitored in order to ensure that they remain effective. There is an important role for NMTC in this process, but this is not reflected in the text on page 69. It is therefore</p>	<p>Accept modification. Aids effectiveness of the plan.</p>

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	<p><del>"There will be a role for The Plan will be monitored by New Forest District Council..."</del></p>	<p>recommended that a new paragraph is inserted before paragraph 6.92 to more accurately reflect the situation and that accordingly the current paragraph 6.92 is renumbered and amended in the interests of clarity.</p>	
<b>Chapter 3 – Planning Policy Context</b>			
PM13	<p>Paragraph 3.7, Page 22</p> <p>Amend the sub-title above paragraph 3.7 to read:</p> <p><b>"The New Forest District Local Plan Review Part 1 2016-2036."</b></p> <p>Update the wording of paragraph 3.7 to reflect the most up-to-date situation with regard to progress on adopting the aforementioned Local Plan.</p>	<p>There are a small number of changes required to ensure that there is consistency between the New Forest District Local Plan Review Part 1 and the New Milton Neighbourhood Plan and thus to improve clarity. The Local Plan should be correctly titled above paragraph 3.7, and that paragraph itself should be updated to reflect the current status of the New Forest District Local Plan Review Part 1.</p>	<p>Agree to amend the sub-title above paragraph 3.7 in accordance with the Examiner's recommendation. Paragraph 3.7 will be updated to reflect the most up to date situation on the NFDC Local Plan Review Part 1 prior to the Neighbourhood Plan being presented for referendum.</p>
PM14	<p>Paragraph 3.8, Page 23</p> <p>In the third bullet point, insert the word <b>around</b> between 'for' and 'an'.</p>	<p>There are a small number of changes required to ensure that there is consistency between the New Forest District Local Plan Review Part 1 and the New Milton Neighbourhood Plan and</p>	<p>Accept modification. Ensures consistency with</p>

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		thus to improve clarity. The reference in paragraph 3.8 should be to 'around' an additional 200 homes.	NFDC Local Plan Review.
PM15	Paragraph 3.8, Page 23  Amend the fourth bullet point to read:  " <del>All open market Housing on</del> developments of 100 homes or more to include provision of at least three non-standard types/tenures a <b>broad mix of new homes.</b> "	Bullet point 4 in paragraph 3.8 should be amended to reflect a proposed Main Modification to the Local Plan 2016-2036 Part 1.	Accept modification. Ensures consistency with NFDC Local Plan Review.
PM16	Paragraph 3.8, Page 23  Amend the fifth bullet point to read:  " <b>A target of 50%</b> affordable housing..."	The fifth bullet point in paragraph 3.8 should refer to 'a target' to reflect a proposed Main Modification to the Local Plan 2016-2036 Part 1.	Accept modification. Ensures consistency with NFDC Local Plan Review.
PM17	Paragraph 3.8, Page 23  In the last bullet point replace <del>Suitable Alternative Natural Greenspace (SANG)</del> with <b>Alternative Natural Recreational Greenspace (ANRG)</b> .	In the last bullet point in paragraph 3.8 the reference to Suitable Alternative Natural Greenspaces (SANG) should be replaced with Alternative Natural Recreational Greenspace (ANRG) to reflect a proposed Main Modification to the Local Plan 2016-2036 Part 1.	Accept modification. More accurately reflects the strategy in the NFDC Local Plan Review.
<u>Glossary</u>			



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PM18	<p>Glossary, Page 89</p> <p>Replace the sub-heading of <del>Suitable Alternative Natural Greenspace (SANG)</del> with <b>Alternative Natural Recreational Greenspace (ANRG)</b> and insert a revised definition to read:</p> <p><b>“Greenspace used as mitigation or avoidance to reduce recreational use of the New Forest Special Protection Area.”</b></p>	<p>In the last bullet point in paragraph 3.8 the reference to Suitable Alternative Natural Greenspaces (SANG) should be replaced with Alternative Natural Recreational Greenspace (ANRG) to reflect a proposed Main Modification to the Local Plan 2016-2036 Part 1. This in turn will require the Glossary to define ANRG rather than SANG.</p>	<p>Accept modification. More accurately reflects the strategy in the NFDC Local Plan Review.</p>
<b>Chapter 3 – Planning Policy Context</b>			
PM19	<p>Paragraphs 3.9 and 3.10, Page 23</p> <p>Delete paragraphs 3.9 and 3.10, as the document has been superseded.</p>	<p>Paragraphs 3.9 and 3.10 refer to the superseded National Park Core Strategy and Development Management Policies DPD (2010) and should therefore be deleted.</p>	<p>Accept modification.</p>
PM20	<p>Paragraphs 3.11 to 3.13, Page 23</p> <p>These paragraphs should be updated to reflect the situation regarding the NFDLPR Part 1 at the time that the NMNP is made. As it is a matter of factual accuracy, I will leave the exact wording to NMTC to decide.</p>	<p>Paragraphs 3.11 to 3.13 should be updated to reflect the fact that the New Forest National Park Local Plan has now been adopted.</p>	<p>There is a discrepancy between paragraph 4.48 of the Examiner's Report – which correctly refers to the NPA's adopted Local Plan (August 2019); and PM20 which instead</p>

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			refers to the NFDLPR Part 1. As the Examiner is content to leave the exact revised wording to the Town Council, it is decided that paragraphs 3.11 – 3.13 should be updated to correctly refer to the NPA's adopted Local Plan (2019).
<u>Chapter 2 – The Neighbourhood Area</u>			
PM21	Paragraph 2.13  Remove the reference to <del>Totton</del> .	It has been confirmed by the New Milton Town Council that there is no university at Totton and therefore that reference in paragraph 2.13 should be deleted.	Accept modification. Factual correction.
<u>Chapter 6 – Land Use Policies</u>			
PM22	Paragraphs 6.50 and 6.51, Page 48  Insert footnotes with regard to a link to 'Pedestrian Pound' and 'The Grimsey Review 2'.	In the interests of clarity, it is recommended in PM22 that appropriate footnotes are provided with regard to the 'Pedestrian Pound' report and the 'Grimsey Review' as referred to on page 48	Accept modification. To improve clarity.

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<u>Appendix E – Flood Risk</u>			
PM23	Appendix E, Page 83  Insert <b>Fluvial</b> before both references to flood risk.	In the interests of clarity, Appendix E should be entitled Fluvial Flood Risk	Accept modification.
<u>Glossary</u>			
PM24	The Glossary, Page 86  Delete references to <del>Department of Communities and Local Government</del> and replace with <b>Ministry for Housing, Communities and Local Government</b> .  Update the entry under 'Examination' to reflect, if possible, the situation when the NMNP is made.  Add a new paragraph under <b>NFPA</b> to explain the role of the National Park Authority as one of the two statutory planning authorities for the Neighbourhood Plan Area.	There are a number of references in the Glossary that should be updated, and the role of the National Park Authority should be explained. I am content to leave the exact wording to the New Milton Town Council as the modifications relate to matters of fact.	Accept modification. Factual corrections.

Cont.

New Forest District Council, the National Park Authority and New Milton Town Council have also identified two further minor amendments (in addition to the modifications recommended in the Examiner’s Report). Neither of these affect the ‘Basic Condition’ assessment but help to improve the clarity of the Neighbourhood Plan and the consistency with the respective Local Plans prepared by the National Park Authority and District Council. For clarity this ‘Decision Statement’ provides these amendments (as set out in Table 2 below).

**Table 2 – Minor amendments**

Examiner’s Report Extract	Commentary	NFDC Decision
<p>Paragraph 4.49 of the Examiner’s Report states,</p> <p><i>“Paragraph 6.82 refers to Policy CP11 of the Core Strategy. This has now been superseded by Policy SP28 of the recently adopted NFNPLP. Earlier PM16 recommends that this paragraph be updated accordingly.”</i></p>	<p>This constitutes a factual update. However, PM16 in the Examiner’s Report refers to the New Forest District Council Submission draft Local Plan, rather than the National Park Authority’s Local Plan. It is therefore agreed that paragraph 6.82 of the Neighbourhood Plan is updated outside of the Examiner’s proposed modifications to correctly refer to Policy SP28 in the adopted New Forest National Park Local Plan (August 2019).</p>	<p>Factual update required to reflect the adopted NPA Local Plan (Aug 2019).</p>
<p>Paragraph 4.50 of the Examiner’s Report states,</p> <p><i>“Policy 6.11 refers to submission Local Plan Policy 17. This may need to be updated depending on the final wording of the policy on adoption of the NFDLPR Part 1. Indeed, I would invite the NMTC to ensure that any references to that document in the supporting text of the NMNP do reflect the most up-to-date version of the Local Plan review at the time the NMNP is made.”</i></p>	<p>The Examiner’s Report invites New Milton Town Council to ensure that any references to the New Forest District Local Plan Review Part 1 reflect the most up to date version of the Local Plan review at the time the Neighbourhood Plan is made (although there is no corresponding proposed modification).</p> <p>It is concluded that these factual cross-references can be made at the discretion of the Town Council, working with New Forest District Council and the National Park Authority.</p>	<p>Factual update required to reflect the NFDC Local Plan Review (prior to the Neighbourhood Plan being presented for referendum) and in accordance with PM13.</p>

