

RINGWOOD NEIGHBOURHOOD PLAN PUBLIC CONSULTATION RESPONSE

1. INTRODUCTION

- 1.1 The purpose of this report is to agree the Council's response to the Ringwood Neighbourhood Plan, for consideration by an independent examiner.
- 1.2 The main focus of the recommended response is on a limited number of areas where the Ringwood Neighbourhood Plan is not considered to fully meet the 'basic conditions'. These are legal tests set out in regulations that the examiner will assess the Ringwood Neighbourhood Plan against (these tests are reproduced in Annex A). Other comments are suggested where helpful e.g., to improve clarity or to identify practical considerations. Annex B sets out the proposed response in full and the main points are summarised in section 4 of this report.

2. BACKGROUND

- 2.1 Ringwood Parish was designated a neighbourhood area in February 2021 by New Forest District Council (NFDC) and the National Park Authority (NFNPA). Most of the parish is in the planning jurisdiction of NFDC.
- 2.2 After two years of preparation work including informal consultation and advisory discussions with NFDC and NFNPA planning officers, on 26 July 2023 the Ringwood Neighbourhood Plan was approved for submission for examination by Ringwood Town Council.
- 2.3 As the receiving authority, NFDC is required to organise the formal public consultation stage and the subsequent independent examination. The 6-week public consultation commenced on 18 August and closes on 29 September 2023.
- 2.4 Following consultation, the Ringwood Neighbourhood Plan and representations received during the public consultation will be considered by an independent examiner at a hearing. Subject to the examiner supporting the plan (including any changes they recommend), the plan will then be voted on in a parish referendum and adopted (by NFDC and NFNPA) if a majority are in support.
- 2.5 Once adopted (or 'made'), the Ringwood Neighbourhood Plan would become part of the NFDC and NFNPA development plans. It would be used alongside local plans when determining planning applications in the Ringwood Parish area.

3. THE RINGWOOD NEIGHBOURHOOD PLAN (RNP) DOCUMENTS

- 3.1 The focus of the RNP is on supporting the role of the town centre, conserving local built heritage assets, securing zero carbon, and creating a green infrastructure and local nature recovery strategy. The main document is the submission draft **Ringwood Neighbourhood Plan**, including Policy Maps, plus appendices:
 - Appendix A **Ringwood Strategic Masterplan**, setting out potential development areas and opportunities to improve connectivity, circulation and the public realm.

- Appendix B **Ringwood Local Design Guidance and Code**, providing detailed guidance on the character of Ringwood and design guidelines that build on the adopted NFDC Ringwood Local Distinctiveness Guide Supplementary Planning Document (which is reproduced as Appendix C).
- Appendix D **Local Heritage Assets**, which identifies and seeks to protect 241 buildings or structures identified to be of local heritage interest (having a degree of significance to their locality, but that do not meet the national criteria to become listed as a 'designated heritage asset')
- Appendix E **Zero Carbon homes Background Note** (background detail to Ringwood Neighbourhood Plan policy R11 Zero Carbon Buildings).

3.2 The Ringwood Neighbourhood Plan has 12 policies, listed below. It does not allocate any sites for development, although general development opportunity areas in the town centre are identified in Appendix A.

- R1 A Spatial Plan for Ringwood
- R2 Maintaining a Successful and Prosperous Town Centre
- R3 Making Better Use of Opportunity Areas in the Town Centre
- R4 Shops and Parades Within and Outside Defined Local Centres
- R5 Smaller Housing
- R6 First Homes
- R7 The Ringwood Design Code
- R8 Building for a Healthy Life
- R9 Conserving Local Heritage Assets
- R10 Creating a Green Infrastructure and Nature Recovery Network
- R11 Zero Carbon Buildings
- R12 Encouraging Active and Healthy Travel.

3.3 RTC has also submitted:

- A Consultation Statement, summarising engagement and feedback to date.
- A Basic Conditions Statement setting out how, in the Town Council's view, the Ringwood Neighbourhood Plan meets the 'basic conditions' for a neighbourhood plan to be found sound, having regard to national policies and advice contained in guidance issued by the Secretary of State.
- A range of evidence base documents that informed the Ringwood Neighbourhood Plan.

4. COMMENTARY AND KEY MATTERS

- 4.1 The Ringwood Neighbourhood Plan is a well-written document that for the most part is supported. In places it goes beyond the provisions of this Council's Development Plan, but this is not of itself a matter that triggers the basic conditions tests. There are a small number of matters that it is appropriate to make comments on, summarised below. The full proposed response is provided at Annex B, including a number of additional comments on points of minor detail not summarised here.
- 4.2 **Policy R2 Maintaining a Successful and Prosperous Town Centre, supporting text:** The Ringwood Neighbourhood Plan states an intention to request introduction of an Article 4 direction to control permitted development rights to change commercial premises to residential use within the defined town centre area. National guidance is that that such action should only be undertaken in exceptional circumstances in a spatially targeted way, which the Town Council would need to demonstrate supported by appropriate evidence.
- 4.3 **Policy R6 First Homes, para 5.39:** NFDC does not consider that ringfencing affordable housing provided from general housing development in the parish area to parish residents only, is consistent with the aims of Local Plan policies STR1, HOU1 and HOU3, all of which take a district wide approach. Therefore, an objection on the grounds of general conformity with the strategic policies of Local Plan Part 1 is recommended.
- 4.4 **Policy R7, Ringwood Neighbourhood Plan Appendix B: The Ringwood Design Code:** The council welcomes the inclusion of Design Guidance and Codes in the Neighbourhood Plan and would like to congratulate the Town Council for the quality and extent of work that has gone in to preparing the guidance. The proposed guidance and codes complement the existing guidance provided within the Conservation Area Appraisal, and it will reinforce the requirement for any new development to protect or enhance the significance of heritage assets within Ringwood. On the urban design side, the provision of a code for design and the tie in with the existing SPD guidance especially the distinctiveness work, is welcomed. A number of mainly minor points of detail are noted in Annex B of this report for suggested amendment to improve the Design Code document further.
- 4.5 **Policy R9 Conserving Local Heritage Assets:** The current wording of this policy lacks clarity on the grounds which cause harm to, or the loss of, a heritage asset would be "justified". The proposed list of local heritage assets should not include buildings which are already covered by curtilage listings, as these already have listed status. The list should also only include entries that have been assessed as meeting the criteria at a level worthy of inclusion, supported by appropriate evidence (the evidence provided is not sufficient).
- 4.6 **Policy R11 Zero Carbon Buildings:** Whilst Passivhaus standards for new buildings, or equivalent, is recognised as best practice it can be onerous and would present some practical difficulties from a development management perspective. This includes balancing other policy objectives (such as affordable housing provision) if viability was at issue in a planning application, as well as the use and discharge of related planning conditions.

5. FINANCIAL IMPLICATIONS

- 5.1 The up-front cost of arranging the Ringwood Neighbourhood Plan examination and referendum fall to the district council. Once the Neighbourhood Plan reaches the point that a referendum can be arranged, this Council is eligible to reclaim £20,000

administrative costs, a sum set by the government. This sum is insufficient to fully cover the costs of arranging the hearings and referendum. Any costs over and above this funding are expected to be capable of being met from existing budgets.

6. CRIME & DISORDER, ENVIRONMENTAL AND EQUALITY & DIVERSITY IMPLICATIONS

6.1 None arising from this decision.

7. RECOMMENDATIONS

7.1 To agree the proposed response to the Ringwood Neighbourhood Plan consultation provided as Annex B.

8. PORTFOLIO HOLDER ENDORSEMENT

I agree with the recommendations in this report.

Sign: Cllr Derek Tipp

Date: 10 October 2023

For further information contact:

Mark Williams
Local Plan Team Leader
023 8028 5475
mark.williams@nfdc.gov.uk

Background Papers:

Published documents.
<https://www.newforest.gov.uk/ringwoodplan>

Date on which notice given of this Decision – 11 October 2023

Last date for call in – 18 October 2023

Annex A: The 'Basic Conditions' tests for Neighbourhood Plans

National Planning Practice Guidance, Paragraph: 065 Reference ID: 41-065-20140306

What are the basic conditions that a draft neighbourhood plan or Order must meet if it is to proceed to referendum?

Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan). Read more about [National policy and advice](#).
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders. Read more about [Listed buildings and conservation areas](#).
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders. Read more about [Listed buildings and conservation areas](#).
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development. Read more about [Sustainable development](#).
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). Read more about [General conformity with the strategic policies contained in the development plan](#).
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations. Read more about [EU obligations](#).
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan). Read more about [Other basic conditions](#).

The EU obligations and other basic conditions under tests (f) and (g) seeks to ensure that the NP is consistent with EU Directives (transposed into UK law) relating to environmental impact, environmental assessment, the conservation of natural habitats and of wild fauna and flora, air and water quality.

Tests (b) and (c) apply only to Neighbourhood Development Orders and are not relevant to the Ringwood Neighbourhood Plan.

Annex B: Proposed full consultation response

RINGWOOD NEIGHBOURHOOD PLAN, MAIN DOCUMENT

Policy R2 Maintaining a Successful and Prosperous Town Centre,

Comment:

Whilst we are supportive of the intent of clause C (iv) of Policy R2 the significance of heritage assets can be defined as both archaeological and architectural as well as historical. The use of the word 'and' would suggest that development could be acceptable provided some harm was caused to only one category of asset.

Resolution:

It is recommended that this clause be re-worded accordingly – *the proposed use and associated works would not harm the heritage significance of the Conservation Area or other heritage assets and their settings.*

Paras 5.11 and 5.13

Comment:

RTC's intention to request introduction of an article 4 direction to control permitted development rights to change Class E commercial premises to residential use within the defined town centre area is noted. Whilst it is possible for councils to seek an Article 4 direction to remove permitted development rights, the government is clear that such action should only be undertaken in exceptional circumstances, as set out in PPG. Affected property owners would be eligible for compensation for the costs of making planning applications for what would previously have been permitted development, unless 12 months' notice was provided before the Article 4 direction took effect.

<https://www.gov.uk/guidance/when-is-permission-required#article4>

[The Town and Country Planning \(Compensation\) \(England\) \(Amendment\) Regulations 2017 \(legislation.gov.uk\)](#)

Before doing so RTC should consider whether it is necessary to cover the entire town centre area, supported by evidence that material harm would otherwise occur. The Ringwood Conservation Area overlaps most of the town centre area, providing some protection against unsympathetic development change.

As context to the points above, a 2021 ministerial statement (a material planning consideration, linked below) sets out a proposed wording change to the NPPF (new para 53) to clarify the appropriate use of Article 4 directions, seeking to ensure that they are used in a 'targeted way' to protect the 'thriving core of historic high street areas' but do not restrict the delivery of housing through permitted development rights.

[Written statements - Written questions, answers and statements - UK Parliament](#)

Policy R4 Shops and Parades Within and Outside Defined Local Centres, part (c)

Comment:

Whilst the intention of this policy is supported in relation to the potential loss of UCO F2(a) local shops, to provide clarity to potential applicants the supporting text should specify what would comprise 'a robust assessment of its value to the local community', if anything is deemed necessary over and above the marketing requirements referenced in paras 5.29-5.30. In the district council's view, the marketing requirements are sufficient.

Policy R6 First Homes, para 5.39:

Objection:

NFDC has previously advised RTC that the appropriate mechanism to make specific provision for parish level affordable housing needs, is to allocate suitable and deliverable sites for this purpose, preferably through a suitable vehicle such as a community land trust (Ringwood parish is not a designated rural area under s157 of the Housing Act with the associated right to make parish-based nominations for the take up of affordable homes on rural exception sites).

NFDC does not consider that ringfencing affordable housing provided from general housing development in the parish area to parish residents only, is consistent with the aims of Local Plan policies STR1, HOU1 and HOU3, which all take a district wide approach. To do so would create unequal access to affordable housing for otherwise eligible district residents, particularly if a similar approach were implemented by a number of parishes. Were this approach applied to rental tenures (which the policy does not do), it could also reduce access to affordable housing for those most in need.

Additionally in accordance with national guidelines some people are eligible for local affordable housing that may not have any direct connection to the district (or parish), for example military veterans and certain key workers.

In terms of applying the suggested first home marketing restrictions, it is not clear what is meant by 'sites in addition to local plan requirements as detailed in Policy STR5'. The only category of current or future site not specifically mentioned for meeting district needs in policy STR5 is windfalls of 10 or more homes, which seems an unduly specific focus that is unlikely to yield a significant amount of affordable housing anyway.

Resolution:

Delete the first two sentences of para 5.39 (the remaining text could be added to para 5.38).

Policy R9 Conserving Local Heritage Assets

Comment:

NFDC supports the principle of the Town Council identifying non-designated heritage assets for inclusion in a 'local list' and welcomes and acknowledges the work that has been undertaken by Ringwood Town Council in preparing the list included as Appendix D of the Plan. However, at the current time NFDC neither maintains a local list nor has a policy or procedure for assessing 'local listing.'

RNP Appendix D identifies 241 buildings or structures within the planning area for inclusion on a 'local list'. This number of buildings to consider presents a significant challenge in terms of resource for the Planning Authority given that it does not currently have a policy or adopted processes in place for assessing, maintaining, and reviewing a local list.

It should be noted that of the 241 sites identified by the plan 9 structures are curtilage listed, and provided the same legal and policy protections afforded the Listed Building with which they are associated.

127 buildings or structures included on the list are within the Ringwood Conservation Area and benefit from the significant legislative and policy protection that the conservation area designation provides. Many buildings within conservation areas make a positive contribution to the special architectural or historical interest of conservation areas and it is our view that applying an approach of including all those buildings that make positive contribution to the character of the District's conservation areas on a separate local list, would result in such a significant workload in terms of assessment and maintenance it would impact the authority's

responsibilities towards designated heritage assets. As set out in the Guidance, non-designated assets can be identified in a several ways and the authority's view that within conservation areas this is most effectively achieved through conservation area appraisals.

For those sites that do not currently benefit from statutory protection we recognise and that the work undertaken by the Town Council has referred to the guidance published by Historic England for identifying and conserving local heritage. However, very little evidence has been provided to demonstrate how each of the sites proposed has been assessed against the criteria set out in that guidance. The guidance from Historic England is clear that inclusion on a local heritage list should be based on sound evidence and criteria that delivers a consistent and accountable method of identifying non-designated assets. From the submission it is not clear what level of review has been undertaken, or to what extent each site achieves a level of significance to justify their inclusion on a 'local list' that is to be maintained by the local planning authority. For authority to be able to adopt the list it would require:

- Publication of the whole evidence base for each entry supported by a photographic record for each entry;
- Clear guidance on how each entry has been assessed as meeting the criteria at a level worthy of inclusion on a local list; and
- A clear statement of consultation with the owner of each site.

Resolution:

The wording of the policy needs clearer language in terms of the grounds on which harm to, or the loss of, a heritage asset would be "justified". It is not clear from the policy or the supporting text what circumstances would be considered justified? If the intent of the policy is that the loss or harm should be unavoidable or should be balanced against any public benefits of the scheme, then this should be clarified in the wording.

The list of local heritage assets should only include entries that have been assessed as meeting the criteria at a level worthy of inclusion on a local list, supported by appropriate evidence.

Curtilage listed structures should not be included on a Local List of non-designated heritage assets as this would result in them being identified as being separate un-listed structures and the removal of the significant legislative and policy protections they currently enjoy. The following buildings need to be removed from the list to ensure do not lose their status as designated heritage assets:

- The Coach House, 36 Southampton Road, BH24 1JD
- Garage to Grove House, 61 Southampton Road, BH24 1HE
- Wall to rear of Grove House, 61 Southampton Road, BH24 1HE
- Wall to front of Manor House/East Wing/West Wing, The Sweep, BH24 1HE
- Stable Block north of The White Hart, 171 Southampton Road, BH24 1HU
- 8, 9, 11 and 12 Moortown House, Christchurch Road, BH24 3AN
- North Range, Crow Farm, Crow Lane, BH24 3EA
- South Range, Crow Farm, Crow Lane, BH24 3EA

Policy R11 Zero Carbon Buildings

Comment:

This is an ambitious policy that seeks to embed current best practice and standards for zero carbon development (although we note that the 15KWh/m²/yr standard is generally identified as best practice for residential development rather than for all buildings). The district council recognises the right of the town council to propose standards in the RNP that exceed or add to those if the adopted local plan - which does not fully reflect the subsequent council declaration of a climate and nature emergency.

As noted in the supporting text the district council has recently consulted on a draft Climate Change SPD, which encourages (rather than requires) meaningful steps towards achieving similar recommended best practice standards, consistent with the existing local plan policy position. Responses are currently being considered. Subject to the scope and extent of forthcoming NPPF and Building Regulation changes, the district council is also likely to explore zero carbon standards for new development through a future local plan review.

The RNP proposals would present some practical difficulties from a development management perspective. For example the use of Passivhaus-related planning conditions would need to meet the CIL Regulations (2010) tests (regulation 122), be agreed with the developer, and case officers would need to make technical judgements as to the equivalence of any alternative standards proposed by developers and what alternative conditions might then be agreed. The latter is a specialist matter rather than a general planner competency.

RNP para 5.66 acknowledges that potential trade-offs may be necessary in relation to local design policy. Other trade-offs may be necessary. As Passivhaus (or equivalent) is not a local plan requirement, the term 'where feasible' (policy line 4) is likely to be an important consideration when establishing a planning balance in relation to other local plan standards and requirements such as affordable housing provision at planning application determination stage.

Policy R12 Encouraging Active and Healthy Travel, para 5.74

Comment:

Supporting text paragraph 5.74, lines 2-3, requires that design layouts apply Manual for Streets best practice and '20-minute neighbourhood' principles. These requirements may be better expressed within policy R12 than in the supporting text.

RINGWOOD DESIGN GUIDANCE AND CODES (RNP APPENDIX B)

Comment:

The council welcomes the inclusion of Design Guidance and Codes in the Neighbourhood Plan and would like to congratulate the Town Council for the quality and extent of work that has gone in to preparing the guidance. The proposed guidance and codes complement the existing guidance provided within the Conservation Area Appraisal, and it will reinforce the requirement for any new development to protect or enhance the significance of heritage assets within Ringwood. On the urban design side, the provision of a code for design and the tie in with the existing SPD guidance especially the distinctiveness work, is welcomed.

The following points of detail are noted for suggested amendment to improve the document further.

Page 31 section 3

The proposed text has merit although within this section there is a tendency to confuse the term 'site analysis' with that of 'contextual analysis'. In practise, it is important that an applicant carries out a contextual analysis in reasonable detail and responds to it through their design evolution. A requirement to set out the contextual analysis process as part of planning application design and access statements would be a useful addition.

Pages 34-72 section 4.2

Throughout section 4 there are many valuable pieces of advice. However, there are some guidelines, phrases and illustrations that would undermine design discussion between developers and the planning team and potentially could impact negatively on some decisions if they remain as shown.

Page 35 DC.02.1 Roads: At guideline iii, insert the word 'gardens' between street trees and green verges. At guideline vi. reword the final sentence to read "... whilst traffic calming measures which might include raised tables or crossings should be an integral part of street design."

Page 37 Main streets: At guideline iii add the words "and car ports" after 'garages' in the first sentence.

Page 39 DC.02. Parking On-Plot front or side car parking: Add a part v. to the guidelines: "Space to the sides of car parking spaces is often needed for access to rear gardens and outbuildings for cycle and bin access."

Figures 23 and 26 should be improved upon as they show suboptimal designs, respectively with sub-standard access to the vehicle and impractical planting, and inadequate space in front of the garage e.g., for opening the garage door while the second car is parked or to access bins and bikes.

Page 56 figure 52: Delete the first sentence of the image caption. The vast majority of the townhouses are 1 -2 storey in height with extremely few buildings of three storey anywhere outside the historic core, and even in the centre buildings only appear occasionally above two and a half storeys.

Page 58 DC.06.2 Materials and colour palette

The guidance sets out how most roofs use Norfolk pantiles or slate tiles. This appears to be an error as the majority of roofs in Ringwood use either plain clay tiles or natural slates and this should be amended.

Page 82 Character Area 2: Victorian/Edwardian Quarter 'Material and Details'

The guidance recommends hipped and 'pitched' roofs should be encouraged in the area. Should this read *hipped and 'gabled'*?

Page 86 Character Area 3: Southern Approach 'Materials and details'

The guidance for Aspect and Orientation refers to 'black facades' it is assumed that this is intended to read 'blank facades' and should be amended.

Page 96 Checklists: Local green spaces, views, and character

The subsequent text deals with biodiversity matters and it is assumed this section is mislabelled.