

CABINET – 3 December 2025

**Lymington and Pennington Neighbourhood Plan –
Examiners Report**

Purpose	For Decision
Classification	Public
Executive Summary	<p>This paper seeks approval for the modifications recommended by the Examiner of the Lymington and Pennington Neighbourhood Development Plan (the Plan) and agreement that the Plan can proceed to local referendum. The referendum will allow residents of the parish to vote on the modified Plan. If residents vote to approve the Plan will be formally adopted and become part of the statutory Development Plan, guiding future planning decisions.</p> <p>The Neighbourhood Plan area spans both New Forest District Council and the New Forest National Park Authority jurisdictions, and both authorities must endorse the Examiner’s recommendations before the referendum can take place.</p>
Recommendations	<p>That Cabinet recommends that the Council agree to:</p> <ol style="list-style-type: none">1. Note the recommendations made in the Examiner’s Report (Appendix 1) into the Lymington and Pennington Neighbourhood Plan (Appendix 2 shows the submission plan).2. Agree the Examiner’s proposed modifications (including further minor modifications identified by the two planning authorities) and the NFDC responses to them as set out in the Decision Statement (Appendix 3).

	<p>3. Subject to the separate agreement of New Forest National Park Authority, agree for officers to make the necessary arrangements for the Lymington and Pennington Neighbourhood Plan to proceed to Referendum (the date of the referendum is anticipated to be towards the end January 2026)</p>
Reasons for recommendation	To allow Lymington and Pennington Town Council to move forward with its Neighbourhood Plan to the public referendum stage.
Ward(s)	Lymington, Pennington
Portfolio Holder(s)	Councillor Derek Tipp – Portfolio Holder for Planning and Economy
Strategic Director(s)	James Carpenter – Strategic Director for Place, Operations and Sustainability
Officer Contact	<p>Andrew Herring Senior Policy Planner andrew.herring@nfdc.gov.uk</p> <p>James Smith Planning Policy Team Leader james.smith@nfdc.gov.uk</p> <p>Debbie Everett Electoral Services Manager debbie.everett@nfdc.gov.uk</p>

Introduction

1. Cabinet are asked to note the modifications recommended by the Examiner of the Lymington and Pennington Neighbourhood Plan (Appendix 1) and to agree that the Neighbourhood Plan progresses to local referendum.

2. The referendum is a decision by the residents of Lymington and Pennington parish to agree, or not, the Neighbourhood Plan as modified. Therefore in practical terms the decision to approve the Neighbourhood Plan proceeding to referendum would also be an endorsement of the document by the district council in its final form.
3. It should be noted that as the designated Neighbourhood Plan Area falls partly (approximately one-third of the parish) 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.

Background

4. 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.
5. The Lymington and Pennington Neighbourhood Plan 'Neighbourhood Area' was designated in September 2015 and covers the whole of the Parish.
6. Work on the Lymington and Pennington Neighbourhood Development Plan has been overseen locally by a steering group of town councillors and community representatives. The Town Council commenced a series of working groups throughout 2016 and 2017, and steering group work continued with help and input from consultants from 2018 until 2023 when informal consultations took place on draft NP content. Formal public consultation took place on an initial Pre-Submission (Regulation 14) Neighbourhood Plan between 7 August 2024 and 9 October 2024. Following the submission of the draft Neighbourhood Plan to the two local planning authorities in March 2025, the Plan was subject to a final 6-week public consultation between 18th April and 30th May 2025.
7. 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 on 13 June 2025.
8. The Examiner was required to assess whether the Neighbourhood Plan meets the 'basic conditions', which are that it 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.
9. The Examiner's role was also, if required, to recommend modifications where they were necessary to enable the basic conditions tests to be met.
10. 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).

Examination

11. The Lymington and Pennington Neighbourhood Development Plan has now been through its Examination and the independent Examiner's report has been received (25 September 2025). The Examiner has recommended modifications to the Plan in order that it meets the basic conditions and other legal requirements. These are listed at the end of the Examiner's Report (Appendix 1 of this report, pages 19 – 20).
12. The Examiner's Report also recommends that the Plan, once modified, should proceed to Referendum on the basis that it has met all the relevant legal requirements.
13. Ultimately it is the responsibility of the two planning authorities to decide what action to take in response to the Examiner's recommendations. The modifications and the District Councils proposed responses are set out in the councils Decision Statement (Appendix 3).
14. The modifications proposed include refining policy wording to improve clarity and ensure consistency with national and local planning policy, particularly the National Planning Policy Framework and the adopted New Forest District Local Plan Part 1 (adopted July 2020). Specific proposed modifications (PM) are recommended to policies on housing mix, town centre development, and green infrastructure to ensure they are deliverable and supported by evidence. In summary they are:

Policy LP2: Lymington Town Centre

Change: Modify Clause C to clarify that contributions must be directly related to the development and make it acceptable in planning terms (PM1). Justification: Ensures compliance with national guidance on

planning obligations and aligns with strategic policies.

Policy LP3: Key Regeneration Opportunities

Change: Add references to strategic mitigation schemes and nutrient neutrality; adjust site boundary for Solent Mead; clarify site ownership and development potential (PM2). Justification: Enhances clarity and ensures alignment with habitat mitigation requirements and air quality monitoring, supporting sustainable development.

Policy LP4: Pennington Shopping Parades

Change: Add explanatory text to clarify what constitutes “day-to-day” needs and relevant use classes (PM3). Justification: Improves clarity for development management and aligns with national and local retail policies.

Policy LP5: Walkable Neighbourhoods

Change: Correct internal references, remove ambiguous terms, and clarify acceptable uses and their accessibility (PM4). Justification: Enhances clarity and legal precision, ensuring the policy is usable and enforceable.

Policy LP6: High Quality Design

Change: Remove the claim that the Lymington Local Distinctiveness SPD carries full Development Plan weight; replace with a statement about future design code collaboration (PM5). Justification: Aligns with national policy which treats SPDs as material considerations, not Development Plan documents.

Policy LP7: Balanced Mix of Dwellings

Change: Add a viability clause to the requirement for small dwellings in developments of 5+ units (PM6). Justification: Addresses concerns about deliverability and aligns with strategic housing policies.

Policy LP8: Green Infrastructure and Nature Recovery

Change: Apply the policy to “appropriate development” rather than all development (PM7). Justification: Makes the policy more realistic and implementable while supporting nature recovery.

Policy LP11: Net Zero Carbon Building Design

Change: Remove Post Occupancy Evaluation (POE) requirement; exempt householder applications; revise clauses for feasibility and clarity (PM8). Justification: POE could affect viability and is difficult to enforce via planning conditions. Modifications ensure the policy remains effective and legally sound.

15. Lymington and Pennington Town Council has confirmed that the proposed modifications are acceptable to it.

16. It should be noted that now the Examiner's Report has been received there is a 'duty to have regard' to the Neighbourhood Plan. Therefore, it is now a material consideration in the determination of planning applications in Lymington and Pennington Parish.

Next steps and referendum

17. Following approval to proceed to the referendum for the Neighbourhood Plan (as proposed to be modified), the council as 'relevant authority' is required to:
- publicise the Plan
 - publish the required notices regarding the date of the referendum and
 - Provide information on how people can vote in accordance with the Neighbourhood Planning (Referendums) Regulations 2012.
18. The Returning Officer for the referendum is designated as the Counting Officer and is responsible for all arrangements regarding the referendum within the referendum area.
19. 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.

Financial and resource implications

20. The council can claim £20,000 towards the cost of supporting the preparation of the Neighbourhood Plan, arranging the Examination and carrying out the referendum from the Ministry of Housing Communities and Local Government (MHCLG) once the date for the referendum has been set
21. Communities that have a made Neighbourhood Plan and secure the consent of local people in a referendum, will benefit from a further 10% (rising from 15% to 25%) of the Community Infrastructure Levy revenues arising from qualifying development in their area.
22. Alongside this Neighbourhood Plan, a number of other town and parish councils are progressing neighbourhood plans. These plans place a statutory requirement on the council to engage with neighbourhood planning groups and also meet specific deadlines for facilitating consultations and, ultimately, referenda. An additional resource to help facilitate this is currently being put in place.

Legal implications

23. Other than the legal considerations set out in the main body of this report, there are no further legal implications arising.

Risk assessment

24. Deciding not to proceed with a referendum would result in the community not having an opportunity to guide development in their areas and risk significant loss of confidence in the neighbourhood planning process.
25. There is a low risk of a legal challenge to a decision for a neighbourhood plan to proceed to referendum. However, the Examiner's reasoning is fully articulated in the report and his conclusions and recommendations are considered reasonable and logical. Officers do not see any justification for departing from the Examiner's recommendations.
26. There is also an unknown risk that the Neighbourhood Plan receives a 'no' vote in a referendum. NFDC will continue regular dialogue with the Town Council to ensure consultation and engagement with the community at the earliest opportunity. However, there are limited controls available, seeing as the purpose of the referendum is to enable residents to decide whether they want a plan.

Environmental / Climate and nature implications

27. The Neighbourhood Plan allows the community to influence local development and facilitates local distinctiveness and granularity to take account of the local environment.

Equalities implications

28. None directly from this report. However, the Lymington and Pennington Neighbourhood Plan has been developed through extensive community engagement and reflects a commitment to inclusivity and equality. The Plan responds directly to local concerns about housing affordability and accessibility, particularly the need for more first homes and smaller dwellings suitable for younger people and families, thereby addressing age and socio-economic disparities. It also promotes improved green infrastructure and active travel routes, enhancing access for people with mobility challenges and encouraging healthier lifestyles across all demographics.

Crime and disorder implications

29. None directly from this report. However, the Neighbourhood Plan supports the creation of safe, inclusive, and well-designed environments that help reduce opportunities for crime and anti-social behaviour.

Data protection / Information governance / ICT implications

30. Neighbourhood Plan engagement, including public consultation, requires the collection and processing of some personal information in a manner compliant with GDPR. Collection of data, and its use, is contained with the Planning Policy privacy notice. How data is collected and used will also be made clear to residents during the consultation.

New Forest National Park implications

31. Around one third of the Neighbourhood Plan area is within the National Park. There is a statutory requirement to further the purposes of the New Forest National Park, particularly where development pressures risk undermining landscape character, biodiversity, and opportunities for quiet enjoyment.
32. The Examiner has not identified any conflicts that could constrain the ability of the Neighbourhood Plan to align with the National Park Authority's objectives. The Neighbourhood Plan reiterates the range of adopted mitigation measures already in place, and these are deemed sufficient or compatible with the Park's special qualities.
33. Finally, the implications of the Neighbourhood Plan on the National Park Authority will be the subject of further formal consideration by the NPA, prior to any agreement to proceeding to the referendum.

Conclusion

34. Following the outcomes of the Examiner's report into the Lymington and Pennington Neighbourhood Plan, it is recommended that all the necessary modifications are agreed and that the final version of the Plan proceed to local referendum.

Appendices:

Appendix 1: Examiner Report

Appendix 2: Lymington and
Pennington Neighbourhood Plan
Appendix 3: NFDC Decision
Statement

Background Papers:

None.