

## 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>
<b>Recommendations</b>	<p><b>That Cabinet recommends that the Council agree to:</b></p> <ol style="list-style-type: none"> <li><b>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).</b></li> <li><b>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).</b></li> </ol>

	<p><b>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)</b></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
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## 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.



# **Report on the Lymington and Pennington Neighbourhood Plan 2016 – 2036**

**An Examination undertaken for the New Forest District Council and the New Forest National Park Authority with the support of the Lymington and Pennington Town Council on the February 2025 version of the submitted Plan.**

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 25 September 2025

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## Contents

<b>Main Findings - Executive Summary</b> .....	4
1. Introduction and Background .....	4
Lymington and Pennington Neighbourhood Plan 2016–2036 .....	4
The Independent Examiner .....	5
The Scope of the Examination .....	5
The Basic Conditions.....	6
2. Approach to the Examination.....	6
Planning Policy Context .....	6
Submitted Documents.....	7
Site Visit.....	8
Written Representations with or without Public Hearing .....	8
Modifications .....	8
3. Procedural Compliance and Human Rights.....	8
Qualifying Body and Neighbourhood Plan Area .....	8
Plan Period.....	8
Neighbourhood Development Plan Preparation and Consultation .....	8
Development and Use of Land .....	9
Excluded Development.....	9
Human Rights.....	9
4. Compliance with the Basic Conditions .....	10
EU Obligations .....	10
Main Issues.....	10
Vision and Objectives.....	11
Policy LP1: A Spatial Strategy for the Town .....	11
Policy LP2: Lymington Town Centre.....	11
Policy LP3: Key Regeneration Opportunities in the Town Centre .....	11
Policy LP4: Pennington Shopping Parades.....	13
Policy LP5: Walkable Neighbourhoods.....	13
Policy LP6: High Quality Design .....	14
Policy LP7: Providing a Balanced Mix of Dwellings to meet Local Needs .....	14
Policy LP8: Green Infrastructure and Nature Recovery Network .....	14
Policy LP9: Safer Lanes Network.....	14
Policy LP10: Active and Healthy Travel.....	15
Policy LP11: Net Zero Carbon Building Design .....	15
Policy LP12: Urban Greening and Canopy Cover .....	16

Policy LP13: Digital Communication Infrastructure .....	16
Local Infrastructure Improvements and other Non-Planning Matters .....	16
Overview .....	17
5. Conclusions.....	17
Summary.....	17
The Referendum and its Area .....	17
Concluding Comments .....	18
Appendix: Modifications .....	19

## **Main Findings - Executive Summary**

From my examination of the Lymington and Pennington Neighbourhood Plan (LPNP/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 Lymington and Pennington Town Council (LPTC);
- The Plan has been prepared for an area properly designated – the Lymington and Pennington Neighbourhood Area as shown on Plan A on page 4 of the Neighbourhood Plan;
- The Plan specifies the period during which it is to take effect: 2016 - 2036; 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**

### **Lymington and Pennington Neighbourhood Plan 2016–2036**

- 1.1 Lymington, a historic market and harbour town, lies on the south coast of the New Forest where the Lymington River flows into the Solent. The A337 is the main road into Lymington from Lyndhurst (14 km to the north) and the A31/M27 a further 7 km to the north. Bournemouth lies about 30 km to the west. Lymington is also a ferry port for the Isle of Wight (Yarmouth). The Plan area includes land within the New Forest National Park. In 2021, the population of the Town Council area was 14,858.<sup>1</sup>
- 1.2 The preparation of the Lymington and Pennington Neighbourhood Plan (LPNP) began in 2015 and in 2016 a Steering Group was formed. Led by the Steering Group, evidence was collected, consultations were carried out and the final version of the Plan was submitted to the New Forest District Council (NFDC) and the New Forest National Park Authority (NFNPA) in March 2025.

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<sup>1</sup> 2021 Census.

## The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the LPNP by the NFDC and the NFNPA with the agreement of the Lymington and Pennington Town Council (LPTC).
- 1.4 I am a chartered town planner and former government Planning Inspector and have experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the 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
  - (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'; and
    - 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.

- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('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 (under retained EU law)<sup>2</sup>; 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 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>3</sup>

## 2. Approach to the Examination

### Planning Policy Context

2.1 The current Development Plan for the Lymington and Pennington Area, excluding policies relating to minerals and waste development, principally includes:

- the New Forest District Core Strategy (2009);
- the New Forest District Local Plan Part 2 (2014);
- the New Forest District Local Plan Part 1 (2020); and
- the New Forest National Park Local Plan (2016-2036).

In addition, Policy DW-E12 (Protection of Landscape Features) is saved from the New Forest District Plan First Alteration (2005). The Basic

<sup>2</sup> The existing body of environmental regulation is retained in UK law.

<sup>3</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.

Conditions Statement helpfully includes in Table B an assessment of general conformity with the strategic policies of the main four planning documents which comprise the Development Plan for the area. The NFDC and NFNPA Local Plans are being reviewed but they are at a very early stage in their preparation.

- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). In addition, the Planning Practice Guidance (PPG) offers advice on how the NPPF should be implemented. It should be noted that the latest iteration of the NPPF was published on 12 December 2024. However, paragraph 239 of that version includes transitional arrangements for neighbourhood plans, stating that the revised NPPF only applies to neighbourhood plans submitted after 12 March 2025. As the Plan was submitted to NFDC and the NFNPA on 7 March 2025, all references in this report read across to the earlier December 2023 NPPF.

### Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:
- the draft Lymington and Pennington Neighbourhood Plan 2016 – 2036 (February 2025);
  - Appendix A of the Plan: Vision for the Town Centre (January 2025);
  - Appendix C of the Plan: Lymington Local Distinctiveness Supplementary Planning Document (SPD)(February 2011);
  - Map A on page 4 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
  - the Consultation Statement (February 2025) and Appendices A – F;
  - the Basic Conditions Statement (February 2025);
  - the Screening Statement on the determination of the need for a Strategic Environmental Assessment (SEA)/Habitats Regulation Assessment: New Forest District Council (February 2017);
  - the Screening Statement on the determination of the need for a Strategic Environmental Assessment (SEA)/Habitats Regulation Assessment: New Forest National Park Authority (March 2017);
  - the Sustainability Appraisal (SA) (July 2024);
  - the Habitats Regulations Assessment (HRA) (June 2024) and update (February 2025);
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the responses received on 14 August 2025 from LPTC and on 19 August 2025 from NFDC to the questions of clarification in my letter of 7 July 2025.<sup>4</sup>

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<sup>4</sup> View at: <https://newforest.gov.uk/lymingtonandpenningtonplan>

## Site Visit

- 2.4 I made an unaccompanied site inspection to the LPNP Area on 20 August 2025 to familiarise myself with it and visit relevant locations referenced in the Plan and evidential documents.

## Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered a hearing session was not necessary, as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. No requests for a hearing were received.

## Modifications

- 2.6 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 to this report.

## 3. Procedural Compliance and Human Rights

### Qualifying Body and Neighbourhood Plan Area

- 3.1 The LPNP has been prepared and submitted for examination by the LPTC, which is a qualifying body. The LPNP extends over all the area designated by the New Forest District Council on 1 October 2015 and the New Forest National Park Authority on 15 September 2015. I am satisfied it is the only Neighbourhood Plan for the Lymington and Pennington Area and does not relate to any land outside the designated Neighbourhood Plan Area.

### Plan Period

- 3.2 The Plan period is from 2016 to 2036 as clearly stated on the front cover.

### Neighbourhood Development Plan Preparation and Consultation

- 3.3 The Consultation Statement (CS), as illustrated in the comprehensive dateline on pages 4-6 of the CS, describes the thorough preparation of the Plan with involvement of the public and various stakeholders at the stages of the process. A Steering Group was formed in 2016 early in the preparation process of the Plan which then also set up six working groups for various aspects of the Plan. The collection of the evidence for the Plan included informal public consultations in 2017 and 2023. Methods of communication included the LPNP web site, press articles, posters, social media, public exhibitions, stakeholder consultations and public meetings.

- 3.4 The pre-submission Plan was published for consultation under Regulation 14 of the 2012 Regulations from 7 August 2024 until 9 October 2024. An overview of the analysis of comments made by the NFDC, the NFNPA, statutory consultees and members of the public are summarised in Appendix D of the CS, together with the responses of the LPTC in Appendices E and F and any resulting changes to the Plan.
- 3.5 The final version of the Plan was submitted to the NFDC and the NFNPA on 7 March 2025. Consultation in accordance with Regulation 16 was carried out from 18 April 2025 until 30 May 2025. 25 responses were received about the Plan, including those from NFDC. I am satisfied that a transparent, fair and inclusive consultation process has been followed for the LPNP, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

### Development and Use of Land

- 3.6 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

- 3.7 The Plan does not include provisions and policies for 'excluded development'.<sup>5</sup>

### Human Rights

- 3.8 The Basic Conditions Statement (BCS) notes that the LPTC has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in the process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan. I am aware from the CS that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

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<sup>5</sup> See section 61K of the 1990 Act.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 A Sustainability Appraisal (SA) was prepared for the Plan. Following an appraisal of the policies, the SA concluded that no significantly negative effects were identified, but that many positive effects would occur, mostly due to the emphasis on brownfield regeneration.
- 4.2 The Plan was also subject to Habitats Regulations Assessment (HRA). The Habitats Sites considered within this report were: the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar; the Solent Maritime SAC; the Solent and Southampton Water SPA and Ramsar; the Avon Valley SPA and Ramsar; the River Avon SAC; and the Solent and Isle of Wight Lagoons SAC. The Screening for Likely Significant Effects (LSEs) were considered using impact pathways including loss of functionally linked land, recreational pressure, air pollution and water quality.
- 4.3 Overall, it was concluded that the LPNP will not result in any LSEs on Habitats Sites in relation to the identified impact pathways, both alone and in-combination. This is because the LPNP does not make specific allocations or propose quanta of growth. With the current policies included in the LPNP, it was concluded that there was no requirement for undertaking an Appropriate Assessment (AA). Nevertheless, the HRA recommended that Policy LP3 (Key Regeneration Opportunities in the Town Centre) included a reference to the need for developers to provide adequate funding in line with the requirements set out in the Bird Aware Solent and the New Forest Revised Habitat Mitigation Scheme Supplementary Planning Document. The statutory consultees did not dissent from these conclusions.
- 4.4 Having read the SA and HRA related documentation and other information provided and, having considered the matter independently, I agree with the conclusions. Therefore, I am satisfied that the LPNP is compatible with EU obligations as retained in UK law.

### Main Issues

- 4.5 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.
- 4.6 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A

neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.<sup>6</sup>

- 4.7 Accordingly, having regard to the Lymington and Pennington Neighbourhood Plan, the consultation responses, other evidence and the site visit, I consider that the main issues in this examination are whether the LPNP policies (i) have regard to national policy and guidance; (ii) are in general conformity with the adopted strategic planning policies; and (iii) would contribute to the achievement of sustainable development?

## Vision and Objectives

- 4.8 The vision for the LPNP is based on issues raised by the community during the initial stages of the consultation process. The succinct vision is described on page 20 of the Plan followed by seven broad objectives which are then used to help to achieve the vision, and which form the basis for the thirteen specific land use based policies.

Policy LP1: A Spatial Strategy For The Town

Policy LP2: Lymington Town Centre

Policy LP3: Key Regeneration Opportunities In The Town Centre

- 4.9 I have considered Policies LP1, LP2 and LP3 together because of their interaction. Policy LP1 sets out the strategy of reusing brownfield land in Lymington Town Centre for suitable development opportunities, Policy LP2 refines the strategy to a more local level describing the vision for the town centre and Policy LP3 identifies five key regeneration sites within the town centre.
- 4.10 The focus on “brownfield first”, using other suitable development opportunities within the settlement boundary and the gentle densification within the town, is seen as the means of accommodating housing needs whilst protecting the National Park landscape around the town and preventing inappropriate development in the adjoining Green Belt. The comprehensive explanation of Policy LP1 is given in paragraphs 5.4 and 5.5 of the Plan. The policy has regard to national guidance<sup>7</sup>, generally conform with Policies STR1, STR2, STR3, STR4 and ENV2 of the New Forest District Local Plan (NFDLP) Part 1; Policies SP1, SP3 and SP4 of the New Forest National Park Local Plan (NFNPLP) and meets the Basic Conditions.
- 4.11 The Lymington Town Centre Vision is described in Appendix A with the accompanying Town Centre Spatial Framework outlined on Map H of the Plan. Policy LP2 supports proposals for redevelopment provided they demonstrate how they will contribute to the Town Centre Vision. Clause C

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<sup>6</sup> PPG Reference ID: 41-041-20140306.

<sup>7</sup> NPPF: paragraphs 90, 123, 152 and 182.

of the policy requires development proposals to make a direct and proportionate contribution to projects and town centre improvements which would deliver the objectives of the Town Centre Vision. However, although contributions sought may be appropriate in scale, nature and location, they must make the development acceptable in planning terms and be directly related to the development.<sup>8</sup> Therefore, I shall recommend a modification to the policy to ensure that it has regard to national guidance.<sup>9</sup> **(PM1)** The policy would then also generally conform with Policy ECON5 and IMPL1 of the NFDLP Part 1 and meet the Basic Conditions.

- 4.12 NFDLP Part 1 Policy STR5 sets an overall housing target 2016 – 2036 for the District, which includes at Clause ii. b. around 200 homes on sites to be identified at Lymington and Pennington. LPNP Policy LP3 identifies five key regeneration sites in the Town Centre where redevelopment in the form of mixed uses, including housing, will be encouraged provided they contribute to the Town Centre Vision. The five sites are: a. Bridge Road; b. Gosport/Cannon Street; c. Town Hall, Avenue Road; d. Post Office and BT Site; and e. Solent Mead. The policy dovetails with the strategy outlined in Policy LP1 of prioritising brownfield redevelopment ahead of development in the Green Belt or other countryside.
- 4.13 NFDC concede that it is unclear that the sites will by themselves achieve a combined residential capacity of 200 homes, but there have been two large windfall sites permitted giving a net gain of 72 dwellings since the Local Plan was adopted in 2020. NFDC appear broadly satisfied that Policy LP3 is sufficient to enable the strategic functions for housing for Lymington and Pennington set out in NFDLP Part 1 Policy STR5 to be met. I have no reason to question that judgement. The housing capacities of the regeneration sites have not been defined, and representations claimed that greater precision was necessary. However, considering the flexibility required for viability and design, I believe the stance in Policy LP3 is entirely reasonable.
- 4.14 The HRA recommended that the policy includes references to the strategic requirements of Bird Aware Solent, the Mitigation for Recreational Impacts on New Forest European Sites SPD and nutrient neutrality which has been incorporated in the final sentence. NFDC has asked that a reference is made to air quality monitoring and this I shall recommend. NFDC also indicated that the Solent Mead regeneration site boundary should be amended to take into account the NFDC ownership of some of the land. I shall recommend the adjustment. **(PM2)** Policy LP3 would then have regard to national guidance<sup>10</sup>, would generally conform with Policy STR5 of the NFDLP Part 1 and would meet the Basic Conditions.

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<sup>8</sup> NPPF: paragraph 57.

<sup>9</sup> NPPF: paragraphs 57 and 90 a).

<sup>10</sup> NPPF: paragraphs 8 b), 63, 64 b) and 124 c),

4.15 Representations sought the allocation of sites for housing on land north of Torreyanna Gardens, Pennington; the Boat Building Factory, Waterloo Road; and the former Edgards Dairy Yard, Pennington. However, I consider that the Plan generally conforms with the strategic policies of the Local Plan and so I am not required to identify further land for housing. In any event, I accept the reasons advanced by LPTC for not allocating those sites.<sup>11</sup>

#### Policy LP4: Pennington Shopping Parades

4.16 Policy LP4 defines Local Shopping Frontages at Milford Road and South Street, and Pennington Square and South Street as shown on the Policies Map (Inset 1). The aim of the policy is to prevent the loss of uses on ground floors within the Local Shopping Frontages which meet the day-to-day needs of the local community. I can understand that a use which meets “day-to-day” needs may lack the standard precision for development management and that some uses may be lost through permitted development. Nevertheless, I support the aim behind the policy and should a proposal be made for a change of use which would erode the convenience shopping opportunities within a Local Shopping Frontage, I consider that it should be possible for planning permission to be refused for that reason. The additions to paragraph 5.15 of the Plan suggested by NFDL and to paragraph 5.17 suggested by LPTC, both of which I shall recommend, would enhance and provide the necessary clarity to the implementation of the policy. **(PM3)** With this recommended modification, the policy will have regard to national policy<sup>12</sup>, generally conforms with Policy ECON6 of the NFDLP Part 1 and meets the Basic Conditions.

#### Policy LP5: Walkable Neighbourhoods

4.17 Policy LP5 Clause A identifies broad locations at Buckland, Woodside, Lower Pennington and Upper Pennington as Walkable Neighbourhoods which are primarily residential areas located more than a 800m walk from Lymington Town Centre. Policy LP5 Clauses B – F then explain how the policy will be implemented. Clauses C, D, E and F refer to uses defined in Clause B which does not define any uses. LPTC has suggested amendments to the policy which would correct that error and which I shall recommend. With one other exception, I consider that the policy has regard to national guidance<sup>13</sup> and generally conforms with Policies ECON5 and ECON6 of the NFDLP Part 1. The exception is the use of the term “established” use in Clause F which has legal connotations. Therefore, I shall recommend the deletion of that word which would mean the policy would then meet the Basic Conditions. **(PM4)**

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<sup>11</sup> Response from LPTC to my question Q3.

<sup>12</sup> NPPF: paragraphs 97 a) and 97 d).

<sup>13</sup> NPPF: paragraphs 97 a) and 108 c).

## Policy LP6: High Quality Design

4.18 Policy LP6 aims to achieve high quality design in new development that contributes positively to local distinctiveness, the quality of life and enhances the character and appearance of the locality. The policy has regard to national policy<sup>14</sup>, generally conforms with Policies STR1 and ENV3 of the NFDLP Part 1, Policy DP18 of the NFNPLP and meets the Basic Conditions. However, paragraph 5.20 states that the Lymington Local Distinctiveness Supplementary Planning Document (SPD) carries the full weight of the Development Plan in decision making and is not subordinate or supplementary guidance carrying lesser weight. The NPPF states that Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the Development Plan.<sup>15</sup> Therefore, even though the SPD was Appendix C of the Plan and part of the consultation process, it was appended to the Plan and does not form part of the Development Plan. Accordingly, I shall recommend the deletion of the final sentence in paragraph 5.20 and the substitution of an alternative. **(PM5)**

## Policy LP7: Providing A Balanced Mix Of Dwellings To Meet Local Needs

4.19 Policy LP7 aims to provide a balanced mix of dwellings to meet local needs. Clause B states that the number of small dwellings should be greater than 50% of the total in schemes of 5 or more dwellings. I note the concern expressed by NFDC about deliverability on smaller sites and I shall recommend the inclusion of a viability test as in Policy HOU1 of the NFDLP Part 1. **(PM6)** The policy would then have regard to national policy<sup>16</sup>, would generally conform with Policy HOU1 of the NFDLP Part 1, Policy SP1 of the NFNPLP and would meet the Basic Conditions.

## Policy LP8: Green Infrastructure And Nature Recovery Network

4.20 Policy LP8 designates a Green Infrastructure and Nature Recovery Network. Clause C provides that all development should embed Green Infrastructure in a way that helps to support nature recovery, whereas I shall recommend that the policy should apply to appropriate development, which is more reasonable and realistic. **(PM7)** Policy LP8 would then have regard to national policy<sup>17</sup>, would generally conform with Policies STR1 and ENV4 of the NFDLP Part 1, Policy DM9 of the NFDLP Part 2, Policy SP6 of the NFNPLP and would meet the Basic Conditions.

## Policy LP9: Safer Lanes Network

4.21 Policy LP9 identifies a Safer Lane Network in order to protect the rural and historic characteristics of the lanes and promote the lanes as shared

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<sup>14</sup> NPPF: paragraph 132.

<sup>15</sup> NPPF: Annex 2 Glossary.

<sup>16</sup> NPPF: paragraphs 8 b) and 64 b).

<sup>17</sup> NPPF: paragraphs 96 c) and 180.

spaces. Policy LP9 has regard to national policy<sup>18</sup>, generally conforms with Policies STR1 and ENV4 of the NFDLP Part 1, Policy DM9 of the NFDLP Part 2, Policy SP55 of the NFNPLP and meets the Basic Conditions.

#### Policy LP10: Active And Healthy Travel

4.22 Policy LP10 supports measures to encourage active and healthy travel in the Plan area. Policy LP10 has regard to national policy<sup>19</sup>, generally conforms with Policies CCC1 and CCC2 of the NFDLP Part 1, Policy SP55 of the NFNPLP and meets the Basic Conditions.

#### Policy LP11: Net Zero Carbon Building Design

4.23 Policy LP11 is aimed at encouraging efficient energy performance in new development, with paragraphs 5.54 to 5.60 of the Plan offering a clear explanation of the reasoning behind each of the five Clauses of the policy. In general, with some focussed modifications and noting the comprehensive reply from LPTC to my questions, the policy has regard to national guidance<sup>20</sup>, generally conforms with Policies ENV3 and IMPL2 of the NFDLP Part 1, Policies SP1 and SP11 of the NFNPLP and meets the Basic Conditions.

4.24 However, a significant exception is within Clause C, which introduces Post Occupancy Evaluation (POE) an explanation of which is in paragraph 5.56 of the Plan and Appendix B. The basis of POE is that a condition would be imposed on certain planning permissions to require a report to be submitted showing any gap in performance between the predicted energy consumption at the design stage and actual energy consumption when the building is occupied. The planning condition would only be discharged when any performance gap had been rectified.

4.25 I accept that the POE would not set energy efficiency standards and would only incentivise designers and developers to conform with the standards, such as Passivhaus, so that the POE could be avoided, but I note the comments by NFDC that monitoring charges for compliance checking has been introduced by the Council. Therefore, the additional POE costs would fall on the developers and affect either the viability of a scheme or have a consequent impact on property prices. The additional costs would be exacerbated were there to be any disputes between the main parties.

4.26 Even though the court of appeal judgement *R(Rights: Community: Action Ltd) v SoS HCLG [2025] EWCA Civ 990* found that the Written Ministerial Statement (WMS) of December 2023 is not a legal barrier for setting higher energy efficiency standards in Development Plan Documents than advised in Building Regulations, I consider that the effect on viability is a significant criticism of implementing POE via a planning condition. Perhaps

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<sup>18</sup> NPPF: paragraph 180.

<sup>19</sup> NPPF: paragraphs 108 c).

<sup>20</sup> NPPF: paragraphs 8 c) and 159 b).

some form of self-certification is possible, but that would fall outside land use based policies of the Neighbourhood Plan. Therefore, notwithstanding whether the planning condition seeking POE meets the six tests set out in paragraph 56 of the NPPF, I shall recommend the deletion of the relevant section of Clause C and consequent modifications to Clause B. I shall also recommend a modification to Clause A so that it does not apply to householder applications. **(PM8)** With the recommended modifications, Policy LP11 would meet the Basic Conditions.

- 4.27 I note NFDC's response to my question 8 advises, with reference to implementing Policy R10 of the Ringwood Neighbourhood Plan (which is very similar to Policy LP11 of this Plan), that "...NFDC is starting to acknowledge with regards to R10 that there is conflict with wider policy and having to weigh this in the balance, considering the development plan and national framework as a whole".<sup>21</sup> However, I have no substantiating evidence to identify which Clauses of Policy R10 (Ringwood Neighbourhood Plan) or LP11 of this Neighbourhood Plan cause concern.

#### Policy LP12: Urban Greening And Canopy Cover

- 4.28 Policy LP12 aims to maximise urban greening and tree canopy cover. The policy has regard to national guidance<sup>22</sup>, generally conforms with Policies STR1, ENV3 and ENV4 of the NFDLP Part 1, Policy DM9 of the NFDLP Part 2, Policy SP6 of the NFNPLP and meets the Basic Conditions.

#### Policy LP13: Digital Communication Infrastructure

- 4.29 Policy LP13 seeks to encourage the provision of new digital communications infrastructure. This policy also has regard to national guidance<sup>23</sup>, generally conforms with Policy STR8 of the NFDLP Part 1 and meets the Basic Conditions.

#### Local Infrastructure Improvements And Other Non-Planning Matters

- 4.30 The Plan includes a section (paragraph 6.4) on priorities for local infrastructure improvements when appropriate funding is received by the local planning authority. In addition, paragraph 6.5 lists other various non planning matters as actions to be taken or issues to be addressed which cannot be delivered through land-use planning policies. These are not considered as part of the examination and will not form part of the statutory Development Plan. Nevertheless, they represent aspirations or actions which would benefit the community and demonstrate one of the valuable associated attributes of the neighbourhood planning process.<sup>24</sup>

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<sup>21</sup> See response from NFDC dated July 18 2025.

<sup>22</sup> NPPF: paragraph 159 a).

<sup>23</sup> NPPF: paragraph 118.

<sup>24</sup> PPG Reference ID: 41-004-20190509.

## Overview

- 4.31 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the LPNP are in general conformity with the strategic policies of the Development Plan, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.
- 4.32 A consequence of the acceptance of the recommended modifications would be that amendments will have to be made to the explanation within the Plan in order to make it logical and suitable for the referendum. Further minor amendments might also include incorporating factual updates, correcting inaccuracies, typographical and punctuation errors, any text improvements suggested by NFDC in their Regulation 16 or Regulation 14 consultation responses and any other similar minor or consequential changes in agreement with the NFDC and the NFNPA. None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.<sup>25</sup>

## 5. Conclusions

### Summary

- 5.1 The Lymington and Pennington 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 to all the responses made following consultation on the LPNP, and the evidence documents submitted with it.
- 5.2 I have recommended eight modifications 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 the referendum area should be extended beyond the designated area to which the Plan relates. The LPNP, as modified, has no policy 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 that of the designated Neighbourhood Plan Area.

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<sup>25</sup> PPG Reference ID: 41-106-20190509.

## Concluding Comments

- 5.4 The LPTC, the Neighbourhood Plan Steering Group and other voluntary contributors are to be commended for producing a succinct and comprehensive Plan. The Plan is logically presented, informative and extremely well illustrated. The Consultation Statement and the Basic Conditions Statement were concise and very useful. The Plan also benefitted from the constructive comments from the considered responses from the LPTC and NFDC to my questions. Subject to the recommended modifications, the LPNP will make a positive contribution to the Development Plan for the area and should enable the extremely attractive character and appearance of Lymington and Pennington to be maintained whilst enabling sustainable development to proceed.

*Andrew Mead*

Examiner

## Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Policy LP2	<p>Amend Clause C by the addition of:</p> <p><b>"... Town Centre Vision, provided the contributions make the proposals acceptable in planning terms and are directly related to the development."</b></p>
PM2	Policy LP3	<p>Amend the final paragraph to:</p> <p><b>"For the avoidance of doubt, strategic policy requirements of Bird Aware Solent, the Mitigation for Recreational Impacts on New Forest European Sites SPD, NFDC air quality monitoring and nutrient neutrality will continue to apply."</b></p> <p>Amend the boundary for site e) on the Policies Map (Inset 2) to match the Hampshire County Council ownership as shown on the map submitted at paragraph 1.11 of the NFDC response to examiner's questions dated 18 July 2025.</p> <p>Rephrase the final sentence of paragraph 5.11 of the Plan to:</p> <p><b>"The Solent Mead site is in split ownership between Hampshire County Council (HCC) and NFDC. A decision was made by HCC in 2025 to close its part of the site and it is therefore likely that that part of the site will become available for development during the Plan period. The NFDC housing on the site will remain."</b></p>
PM3	Policy LP4	<p>Amend paragraph 5.15 of the Plan by the inclusion of the following third sentence:</p> <p><b>"This approach aims to ensure that residents can access day to day services and amenities, for example, convenience shops, education and healthcare facilities."</b></p> <p>Amend paragraph 5.17 of the Plan by the inclusion of a new penultimate sentence:</p> <p><b>"Uses which are considered to meet day-to-day needs include Class E(a)</b></p>

		<p>convenience food retail for up to a total of 500 sq.m of net internal retail floorspace, Class E(b) café, Class E(d) indoor sport and recreation, Class E(e) medical services, Class E(f) day centre or nursery, Class F1 learning and non-residential institution; and/or a Class F2 local community use of an appropriate scale."</p>
PM4	Policy LP5	<p>Amend Clause C to:</p> <p><b>"Proposals including uses which are intended to meet the local communities' day to day needs may be delivered as ground floor units in a scheme with housing on upper floors ..."</b></p> <p>Amend the second sentence of Clause D to:</p> <p><b>"Within this context, clustering of uses intended to meet day-to-day community needs in each broad location is preferred."</b></p> <p>Amend Clause E to:</p> <p><b>"Proposals including uses which are intended to meet the local communities' day-to-day needs must demonstrate that the site is located and accessible by walking, ..."</b></p> <p>Amend Clause F to:</p> <p><b>"Proposals to change the use of land or premises in a walkable community from a use which contributes to meeting the local communities' day-to-day needs to another use will not be supported."</b></p>
PM5	Paragraph 5.20	<p>Delete the final sentence and substitute:</p> <p><b>"LTC will seek to work with NFDC and local community groups in the preparation of a District wide Design Code which is intended to retain the emphasis on local distinctiveness. The Code will be consulted upon as part of a separate process in due course."</b></p>
PM6	Policy LP7	<p>Add the following phrase to the end of Clause B:</p> <p><b>"... taking into account the viability of the scheme."</b></p>

PM7	Policy LP8	Amend Clause C to: <b>"All appropriate development should embed Green Infrastructure ..."</b>
PM8	Policy LP11	Amend Clause A to: <b>"All development (except for householder development) should be "zero carbon ready" ...".</b>  Amend Clause B to: <b>"Where feasible, buildings should aim to be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m2/year."</b>  Amend Clause C to: <b>"All planning applications for new or refurbished buildings should include a demonstration to show that their energy efficiency has been tested to ensure that the buildings will perform as predicted at the design stage."</b>

LYMINGTON AND PENNINGTON NEIGHBOURHOOD PLAN

2016 - 2036

# Submission Plan

PUBLISHED BY

Lymington and Pennington Town Council under the  
Neighbourhood Planning (General) Regulations 2012 (as  
amended).

FEBRUARY 2025

# GUIDE TO READING THIS PLAN

Of necessity, this Neighbourhood Plan is a detailed technical document. The purpose of this page is to explain the structure and help you find your way around the plan.

## 1. INTRODUCTION & BACKGROUND

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This section explains the background to this Neighbourhood Plan and how you can take part in and respond to the consultation.

## 2. THE NEIGHBOURHOOD AREA

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This section details many of the features of the designated area.

## 3. PLANNING POLICY CONTEXT

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This rather technical section relates this Plan to the National Planning Policy Framework and the planning policies of New Forest District Council (NFDC) and the New Forest National Park Authority (NFNPA).

## 4. COMMUNITY VIEWS ON PLANNING ISSUES

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This section explains the community involvement that has taken place.

## 5. VISION, OBJECTIVES & LAND USE POLICIES

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This key section firstly provides a statement on the Neighbourhood Plan Vision and Objectives. It then details Policies which are proposed to address the issues outlined in the Foreword and in Section 4. These Policies are listed in Table 1. There are Policy Maps at the back of the plan and additional information in the Appendices to which the policies cross reference.

## 6. IMPLEMENTATION AND MONITORING

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This section explains how the Plan will be implemented and future development guided and managed. It suggests projects which might be supported by the Community Infrastructure Levy which the Town Council will have some influence over. Finally, it deals with a number of issues which although relevant are outside the scope of a Neighbourhood Plan.

FOREWORD

LIST OF POLICIES

1.	INTRODUCTION & BACKGROUND	1
2.	THE NEIGHBOURHOOD AREA	5
3.	PLANNING POLICY CONTEXT	11
4.	COMMUNITY VIEWS ON PLANNING ISSUES	19
5.	VISION, OBJECTIVES & LAND USE POLICIES	20
6.	IMPLEMENTATION & MONITORING	53

POLICIES MAPS & INSETS 55

APPENDIX A – LYMINGTON TOWN CENTRE VISION

APPENDIX B – POST OCCUPANCY EVALUATION GUIDANCE

APPENDIX C – LYMINGTON LOCAL DISTINCTIVENESS SPD

## FOREWORD

This Neighbourhood Plan has been written to help shape the development priorities of the people of Lymington and Pennington. It has been a long time coming.

The Neighbourhood Plan process was started in 2015 when Lymington and Pennington was designated a Neighbourhood Plan Area by NFDC and NFNPA. A vision and action plan were created in March 2017 with working groups established to form an evidence base. An informal community consultation was held in July 2017.

NFDC adopted their Local Plan (Part One) in 2020 which included two sites in Pennington (SS5 and SS6). Unlike the Local Plan, this Neighbourhood Plan is concerned with small sites which can be developed rather than the larger, strategic allocations of NFDC.

I want to thank the previous Chair of the Neighbourhood Plan Steering Group, Councillor James Hoare, and all the Councillors, many of whom no longer sit on this Council, who have been involved in the Neighbourhood Plan process since 2015. Many members of the public also took part in the original working groups and I am very grateful to them for their input. Apart from a short stint on the Green Spaces working group in 2017, I did not come into this process until May 2023 when I took over as Chair of the Neighbourhood Plan Steering Group following the Local Elections.

The policies in this Neighbourhood Plan show Lymington and Pennington's desire to look to the future whilst respecting our past. Our focus has been on ensuring that the younger generation and local families are prioritised when it comes to housing, digital infrastructure is improved, and commercial space is protected and enhanced. Most of all, this is a Neighbourhood Plan that is ambitious for the future of Lymington and Pennington.

I hope that we have made the people of Lymington and Pennington proud.

Jack Davies

Chair of the Neighbourhood Plan Steering Group

# LIST OF POLICIES

POLICY LP1: A SPATIAL STRATEGY FOR THE TOWN	21
POLICY LP2: LYMINGTON TOWN CENTRE	22
POLICY LP3: KEY REGENERATION OPPORTUNITIES IN THE TOWN CENTRE	25
POLICY LP4: PENNINGTON SHOPPING PARADES	26
POLICY LP5: WALKABLE NEIGHBOURHOODS	29
POLICY LP6: HIGH QUALITY DESIGN	31
POLICY LP7: PROVIDING A BALANCED MIX OF DWELLINGS TO MEET LOCAL NEEDS	33
POLICY LP8: GREEN INFRASTRUCTURE AND NATURE RECOVERY NETWORK	37
POLICY LP9: SAFER LANES NETWORK	43
POLICY LP10: ACTIVE AND HEALTHY TRAVEL	44
POLICY LP11: NET ZERO CARBON BUILDING DESIGN	47
POLICY LP12: URBAN GREENING AND CANOPY COVER	51
POLICY LP13: DIGITAL COMMUNICATION INFRASTRUCTURE	52

## 1. INTRODUCTION & BACKGROUND

1.1. Lymington and Pennington Town Council is preparing a Neighbourhood Plan for the area designated by the respective local planning authorities, NFDC and the New Forest NFNPA, in September 2015. The area coincides with the parish boundary (see Plan A on page 4). Pennington Common and the areas around the Lymington & Pennington Marshes fall within the New Forest National Park. The plan is being prepared in accordance with the Neighbourhood Planning (General) Regulations of 2012 (as amended).

1.2. The purpose of the Neighbourhood Plan is to set out a series of planning policies that will be used to determine planning applications in the area in the period to 2036. The Plan will form part of the development plan for the District, alongside the NFDC Plan part 1: Planning strategy (2020) and the saved policies from NFDC Local Plan Part 2: Development Management (2014), the NFDC Core Strategy (2009) and the NFDC Local Plan First Alteration (2005) and for those parts of the parish which fall within the National Park, alongside the NFNPA Local Plan (2019).

1.3. Neighbourhood Plans provide local communities with the chance to manage the quality of development of their areas. Once approved at a referendum, the Plan becomes part of the Local Planning Authority's statutory development plan and will carry significant weight in how planning applications are decided in the neighbourhood area. Plans must therefore contain only land use planning policies that can be used for this purpose. This often means that there are important issues of interest to the local community that cannot be addressed in a Plan if they are not directly related to planning. Although there is scope for the local community to decide on its planning policies, Neighbourhood Plans must meet all of the relevant basic conditions (see Figure 1 overleaf).

1.4. In addition, the Town Council will need to demonstrate to an independent examiner that it has successfully engaged with the local community and stakeholders in preparing the Plan. If the examiner is satisfied that it has, and considers the Plan meets the above conditions, then the Plan will go to a referendum of the local electorate. If a simple majority (over 50%) of the turnout votes in favour of the Plan, then it becomes adopted as formal planning policy for the district.

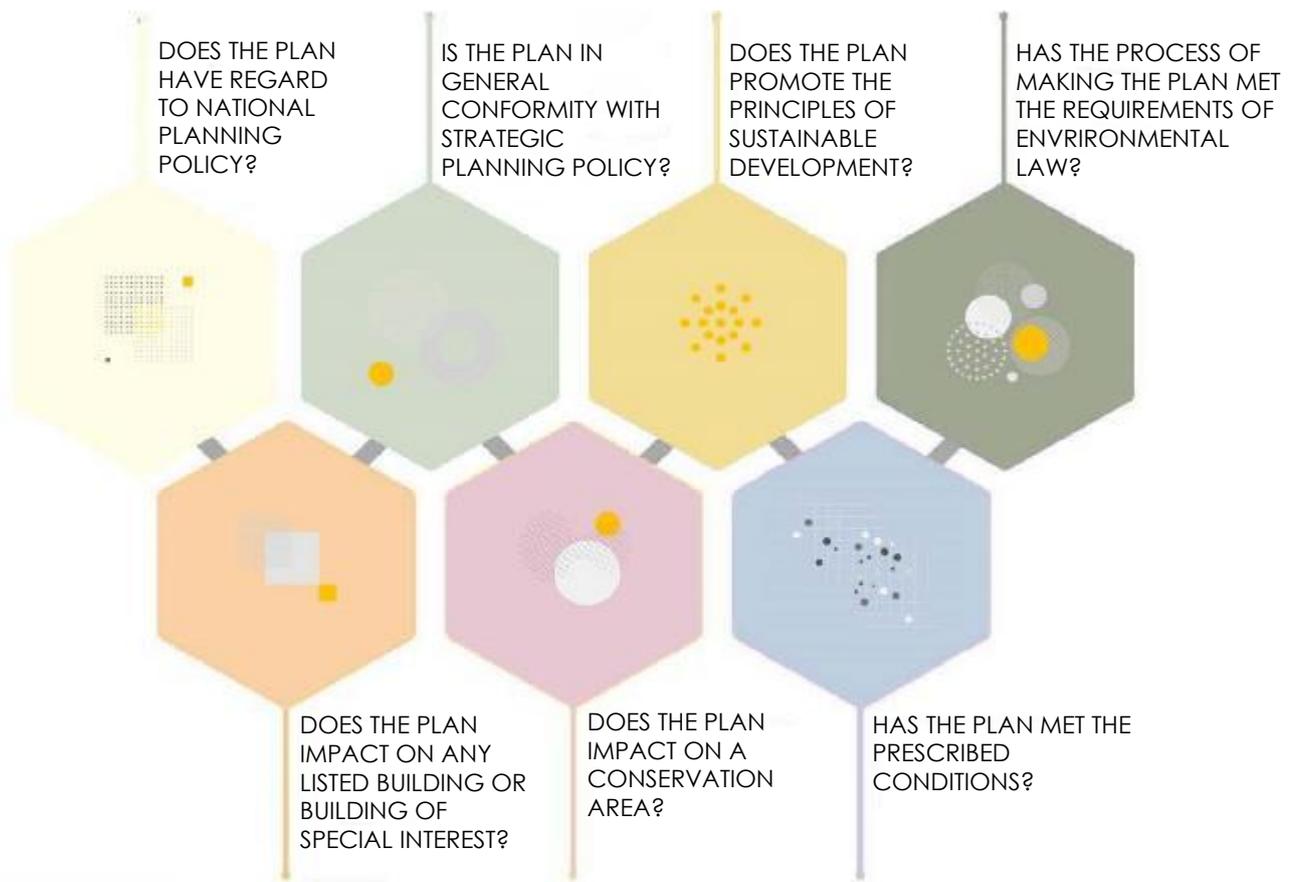


Figure 1: Basic Conditions

## THE SUBMISSION PLAN

1.5. A draft ('Pre-Submission') Plan was published for consultation in August 2024 in line with the Regulations. The Parish Council has reviewed the comments received from the local community and other interested parties, including NFDC and NFNPA, and have made changes to this final version.

## STRATEGIC ENVIRONMENTAL ASSESSMENT & THE HABITATS REGULATIONS

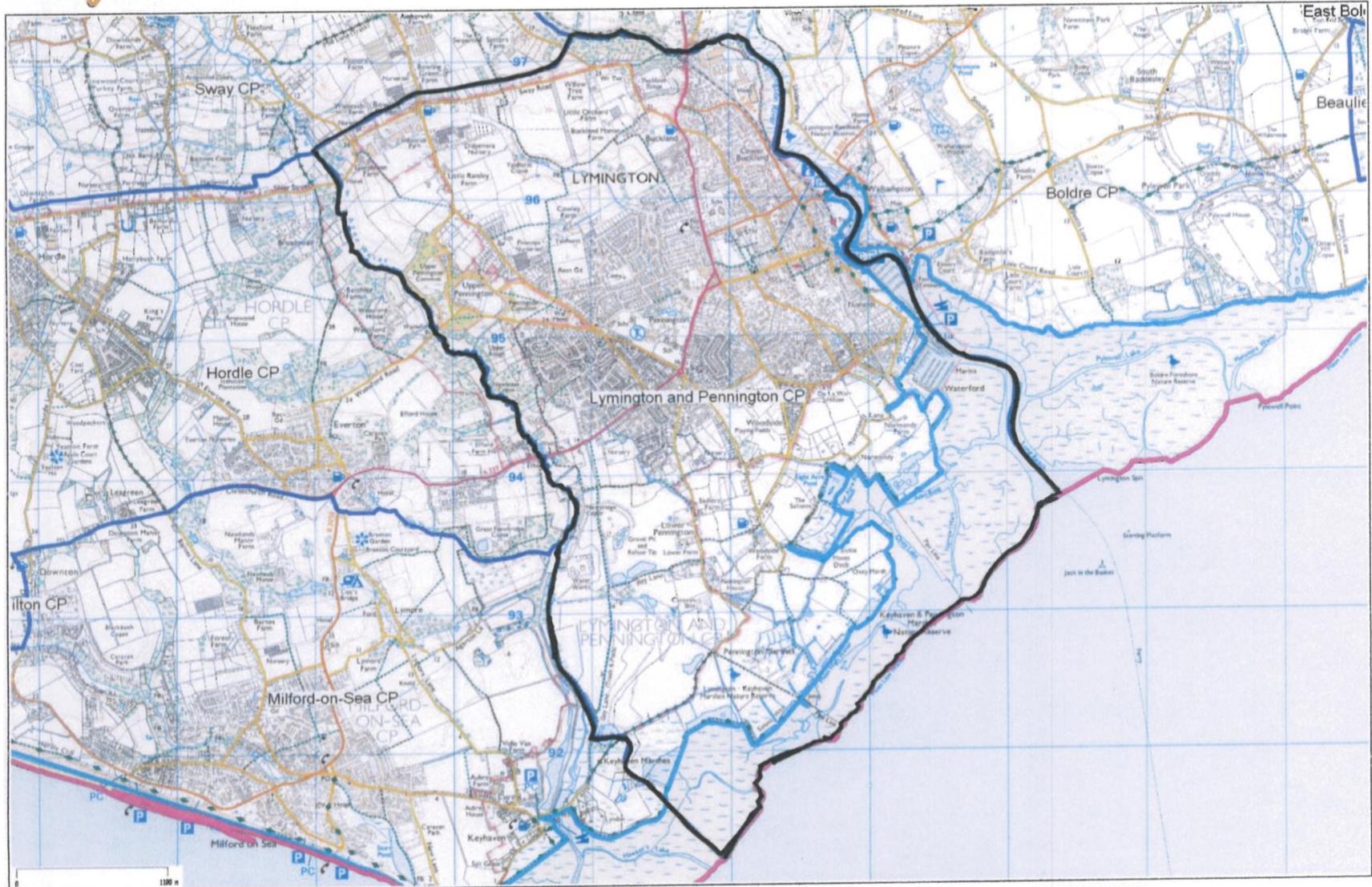
1.6. NFDC and NFNPA confirmed in a screening opinion of March 2017 that a Strategic Environmental Assessment (SEA) is required in accordance with the Environmental Assessment of Plans & Programmes Regulations 2004 (as amended). The SEA is published alongside this plan.

1.7. The screening opinion also confirmed that a Habitat Regulations Assessment is required in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended). The HRA is published alongside this plan.

## THE NEXT STEPS

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1.8. This Plan will be submitted to NFDC and NFNPA for a further consultation and to arrange for its examination by an independent examiner and subsequent referendum, if the examiner is satisfied that the draft plan meets the basic conditions.



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Plan A: Designated Neighbourhood Area

## 2. THE NEIGHBOURHOOD AREA

2.1 Lymington is a small market and harbour town of considerable historic interest located on the south coast of the New Forest where the Lymington River flows into the Solent. It includes a number of villages and outlying hamlets which were formerly outside the main town such as Pennington.

2.2 Pennington sits on the river terrace plateau between Avon Water to the west and Yaldhurst stream to the east. The Solent forms Pennington's southern coastal border. The northern border is Sway Road. The hamlet of Bowling Green is in Upper Pennington on the border with Sway.

2.3 The earliest settlement in the Lymington area was around the Iron Age hill fort known today as Buckland Rings. The hill and ditches of the fort survive, and archaeological excavation of part of the walls was carried out in 1935. The fort has been dated to around the 6th century BC. There is another supposed Iron Age site at nearby Ampress Hole. However, evidence of later settlement there (as opposed to occupation) is sparse before Domesday book (1086).

2.4 Lymington itself began as an Anglo-Saxon village. The town is recorded in Domesday as "Lentune". About 1200, the lord of the manor, William de Redvers created the borough of New Lymington around the present quay and High Street, while Old Lymington comprised the rest of the parish. He gave the town its first charter and the right to hold a market.

2.5 Lymington was famous for salt-making from the Middle Ages up to the 19th century. There was an almost continuous belt of salt workings along the coast toward Hurst Spit.

2.6 Large In the 18th and early 19th centuries, Lymington possessed a military depot that included a number of foreign troops – mostly artillery but also several militia regiments. At the time of the Napoleonic Wars, the King's German Legion-Artillery was based near Portchester Castle and sent sick soldiers to Lymington or Eling Hospital. As well as Germans and Dutch, there were French émigrés and French regiments. They were raised to take part in the ill-fated Quiberon Invasion of France, from which few returned (contrast the Battle of Quiberon Bay, or Bataille des Cardinaux, a 1759 victory). From the early 19th century, Lymington had a thriving boatbuilding industry, particularly associated with Thomas Inman, builder of the schooner Alarm, which famously raced the American yacht America in 1851. The town is fortunate in that its historic structure and layout remain largely intact. Much of the town centre is Victorian and Georgian, with narrow cobbled streets in the area of the quay.

2.7 Pennington Village is the main historical settlement and is where major residential development throughout the twentieth century was concentrated. Most of Pennington's shops are located in the village along with a majority of Pennington's schools. Pennington Village also has a leisure centre, which has a 25-metre indoor swimming pool, a sports hall,

a gym, and an astro-turf football pitch. Pennington Common and Pennington Recreation Ground are open spaces used for sports and local community events.

2.8 Pennington and Oxey Marshes, historically the largest salt pans in the area, are popular spots for bird watching, walking, fishing, photography and cycling. Pennington Common and Upper Common are designated Sites of Special Scientific Interests ('SSSIs'). Pennington and Oxey Marshes are divided into 11 designated SSSIs.

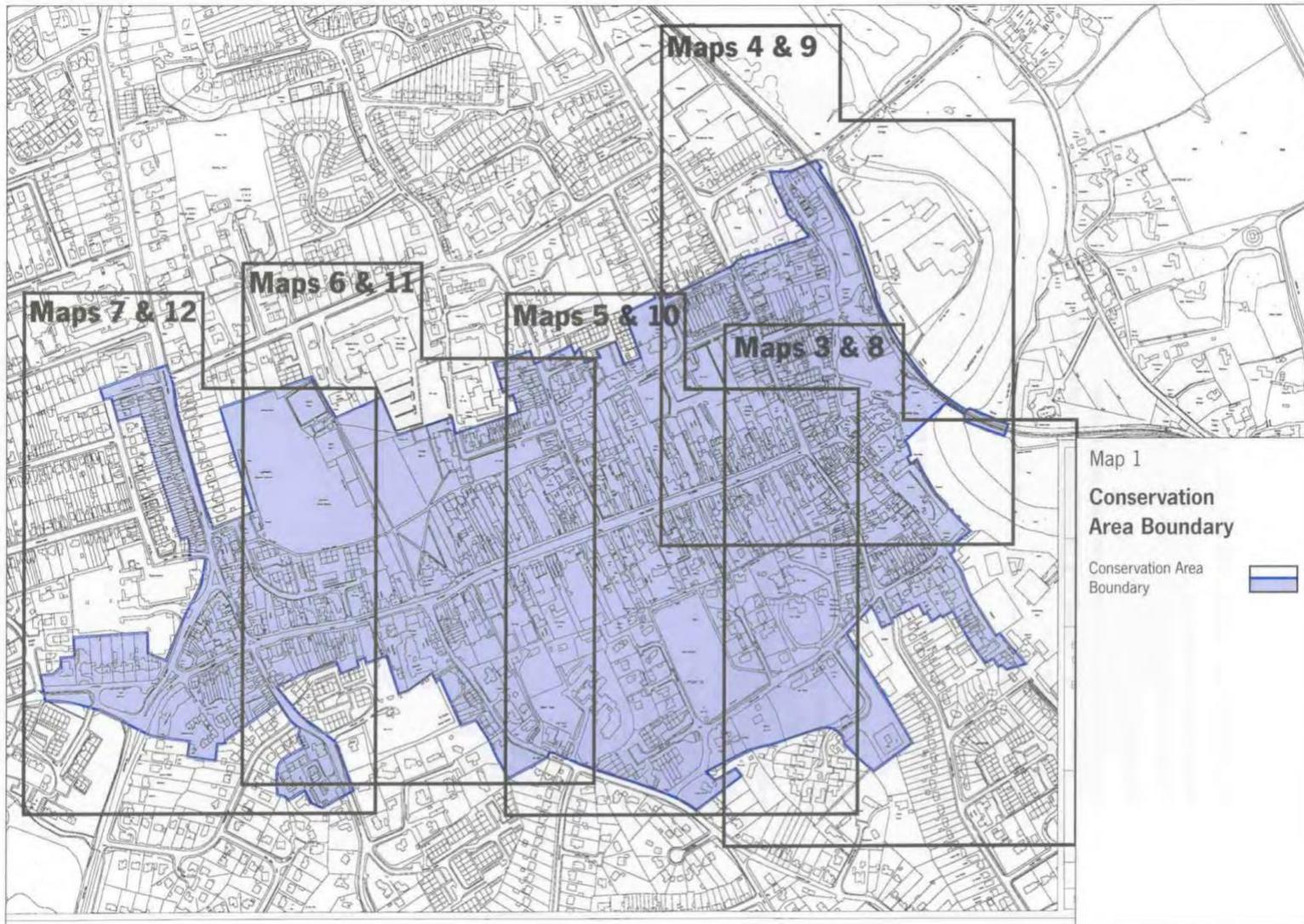
2.9 Lymington has remained largely unaffected by major development. The town has a high proportion of residential accommodation but does not suffer to the same degree the severe problems arising from empty off-season second homes often seen in coastal towns. Lymington retains a vibrancy, colour and richness that only a place where people actively live and work can have.

2.10 Lymington & Pennington retains a strong relationship with the surrounding landscape (the forest, river and proximity of the sea), permeating the fringes of the settlement and influencing much of the character further into the built-up area. Through this relationship to its surroundings and through clear social links the town is intrinsically part of the wider New Forest and Solent environment.

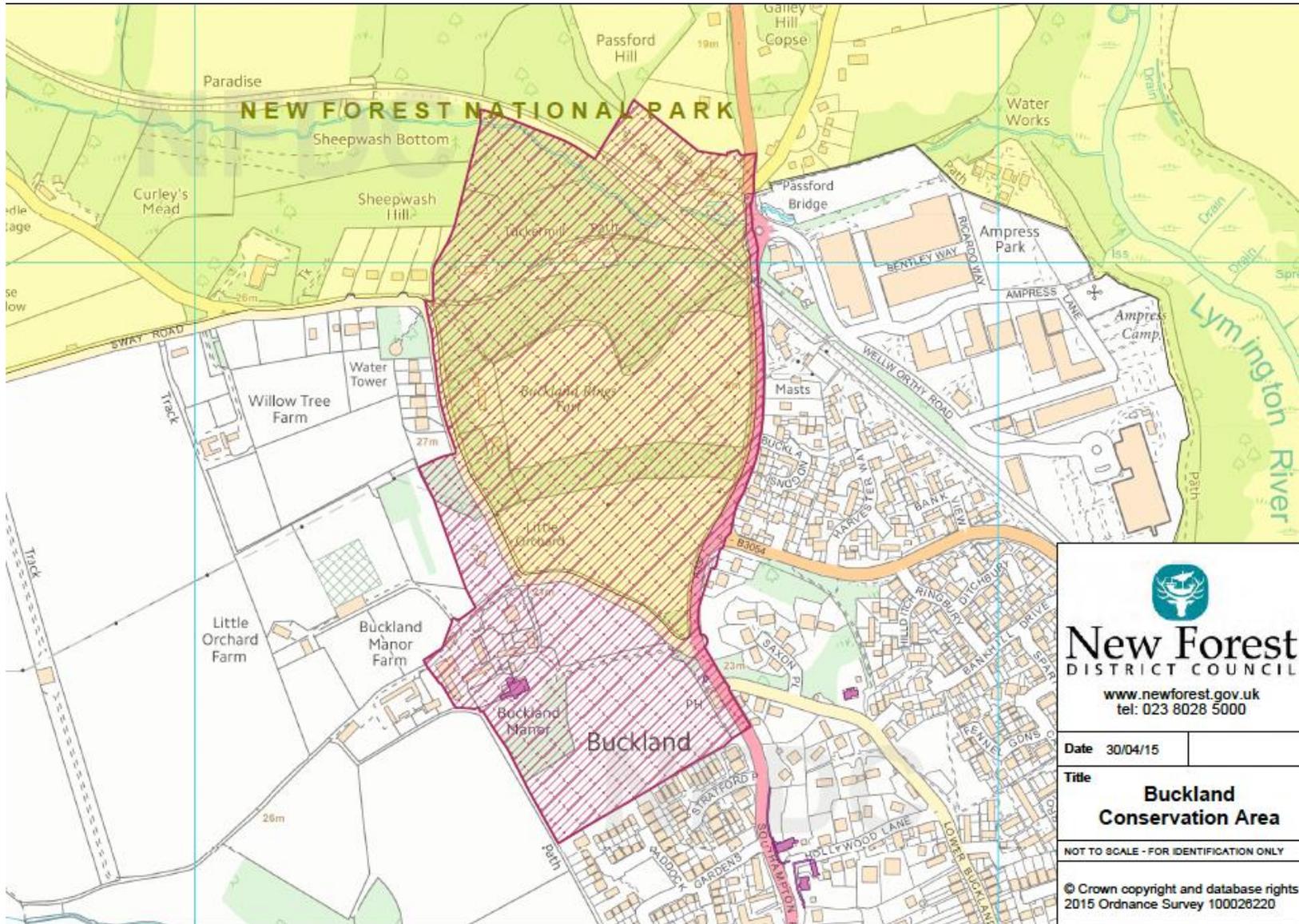
2.11 Lymington comprises the main body of the settlement and is structured around the High Street running east-west from the Lymington River, which is the historic, retail and community core. A number of residential areas wrap around the High Street, planned around a combination of road loops and cul-de-sacs that are typical of twentieth century residential layouts.

2.12 The A337 is the main road which runs through the New Forest from the M27/A31 into Lymington. This road runs down to a gyratory system at the western end of the High Street which effectively diverts through traffic to the west towards Bournemouth. There is a crossing to the east across the Lymington River on the B3054, but this is a relatively minor road. Consequently, Lymington does not suffer heavily from through traffic and the High Street retains an attractive pedestrian environment.

2.13 Pennington originally formed part of the Parish of Milford until 1839. In 1859, Pennington was constituted a separate ecclesiastical parish, it became own separate civil parish in 1911. In 1932, Pennington, together with Milford-on-Sea, Hordle and New Milton, formed part of the new enlarged borough of Lymington. Lymington Borough was abolished on 1 April 1974 under terms of the Local Gov. Act 1972, becoming an unparished area, in the district of the New Forest with charter trustees. It was then divided into 4 civil parishes. New Milton, Lymington & Pennington where upon Lymington & Pennington Town Council was formed. Since 1932 the population has risen from 1246 to over 6000.

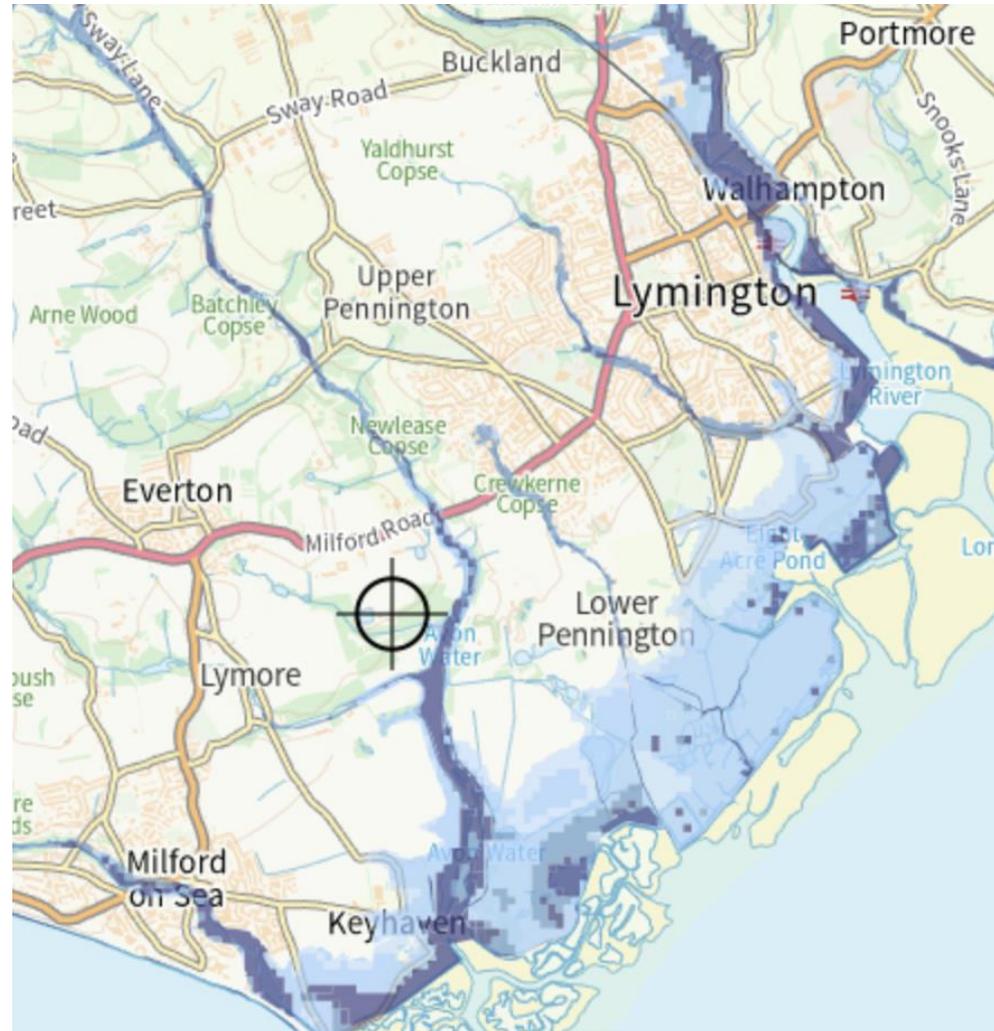


Plan B: Lymington Conservation Area (maps 3-11 can be viewed within the Lymington Conservation Area Appraisal <https://www.newforest.gov.uk/article/1236/Conservation-areas>)



Plan C: Buckland (Lymington) Conservation Area





**Plan E: Flood risk from rivers or the sea in Lymington and Pennington**

Extent of flooding from rivers or the sea

● High 
 ● Medium 
 ● Low 
 ● Very Low 
 ⊕ Location you selected

### 3. PLANNING POLICY CONTEXT

3.1 Lymington and Pennington lie within the NFDC and NFNPA planning authority areas in the county of Hampshire.

#### NATIONAL PLANNING POLICY

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3.2 The National Planning Policy Framework (NPPF) published by the Government is important in the preparation of local plans and neighbourhood plans. The following paragraphs of the latest NPPF version published in 2023 are considered especially relevant:

- Neighbourhood planning – non-strategic policies (§28 - §30)
- Housing needs for different groups (§63)
- Ensuring the vitality of town centres (§90)
- Promoting health and safe communities (§96 - §97)
- Local Green Spaces (§105 - §107)
- Promoting sustainable transport (§110)
- Making effective use of land (§123 - §125)
- Achieving well-designed places (§131 - §137)
- Protecting Green Belt land (§152)
- Planning for climate change (§158)
- Conserving and enhancing the natural environment (§180)
- National Parks (§182 - §183)
- Conserving and enhancing the historic environment (§196)

3.3 A new iteration of the NPPF was published in December 2024. However, it sets out in §239 that neighbourhood plans submitted to the local planning authority under Regulation 15 before 12 March 2025 will be assessed under the previous framework (2023 NPPF).

3.4 The Government has also set out a requirement for the provision of First Homes in a Written Ministerial statement on 24 May 2021. These requirements were subsequently incorporated into National Planning Practice Guidance. As the Parish is 'washed over' by Green Belt (all of which is situated outside the settlement boundary), First Homes Exception Sites are unable to come forward in the Parish. It is anticipated that the forthcoming Local Plan will deal with this matter appropriately and NFDC has published an Interim Advice regarding First Homes in the meantime ([link](#)). NFNPA has granted planning permission for a limited number of First Homes on the adopted NFNPA Local Plan (2019) site allocations. However, First Homes are not supported on rural exception sites in National Parks in national policy.

3.5 The Levelling Up and Regeneration Act (LURA) received Royal Assent on 26 October 2023. The Act demonstrates a continued support of Neighbourhood Planning, and changes proposed is currently awaiting secondary legislation.

3.6 The Neighbourhood Plan must be in general conformity with the strategic policies of the development plan for the New Forest. The development plan primarily comprises saved policies of the NFDC CORE STRATEGY (2009), THE NFDC LOCAL PLAN PART 2 (2014) and the NFDC LOCAL PLAN PART 1 (2020) for that part of the neighbourhood area which lies in the NFDC area, and the NFNPA LOCAL PLAN (2016 – 2036) for that part of the neighbourhood area which lies in the NFNPA area as well as separate minerals and waste plans for Hampshire.

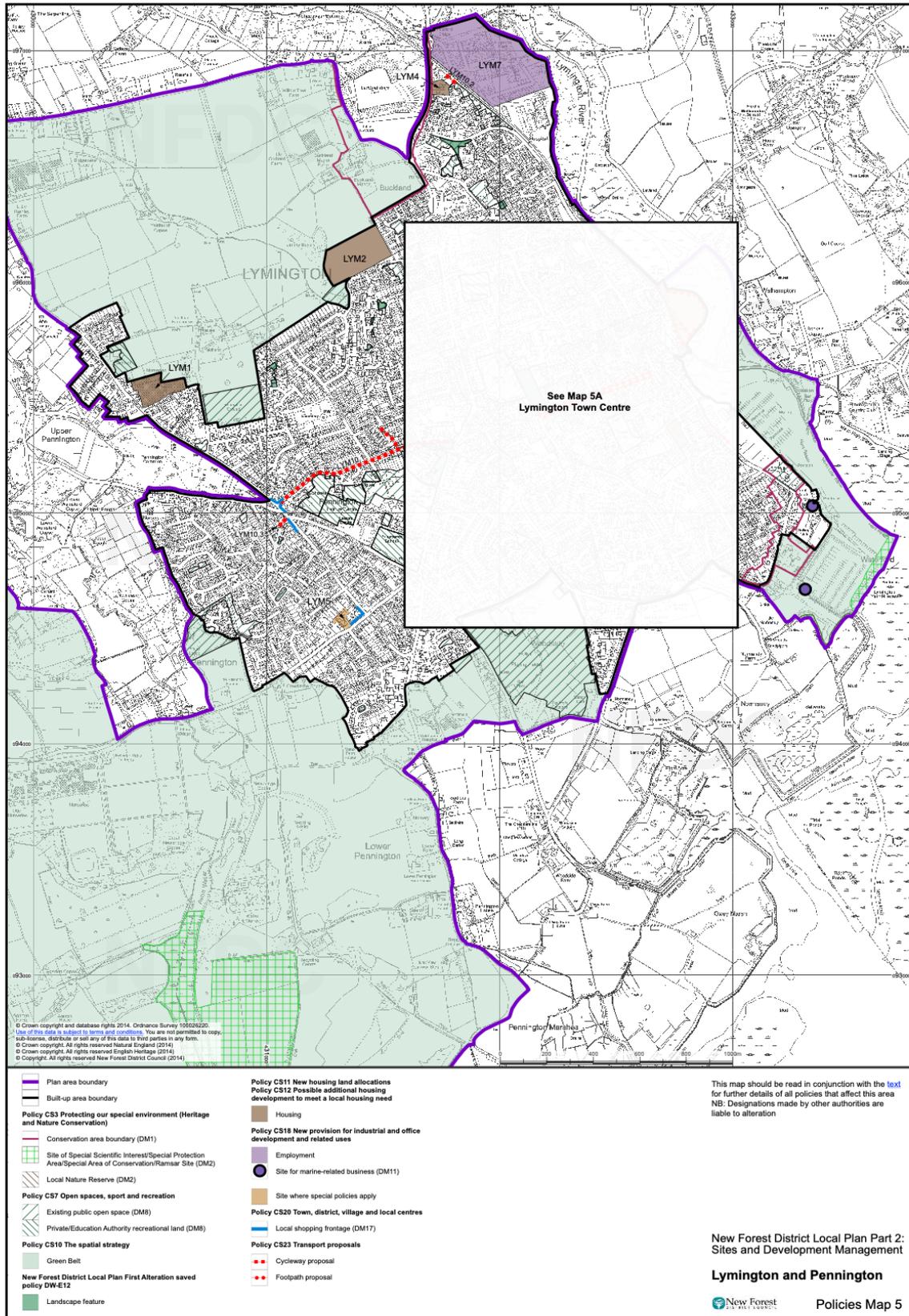
3.7 The following saved policies of the NFDC CORE STRATEGY (2009) are relevant to the Lymington and Pennington area:

- *Policy CS7 Open Spaces, sport and recreation* – securing a minimum standard of open space to serve the district including Lymington and Pennington through protecting existing and the provision of new open space.
- *Policy CS19 Tourism* – enhancing the visitor appeal of coastal environments and settlements including Lymington.
- *Policy CS21 Rural economy* – setting out a strategy for the rural economy applying to the rural part of the designated neighbourhood area that does not lie within the NFNPA area.

3.8 The following policies of the NFDC LOCAL PLAN PART 2 (2014) are relevant to the Lymington and Pennington area:

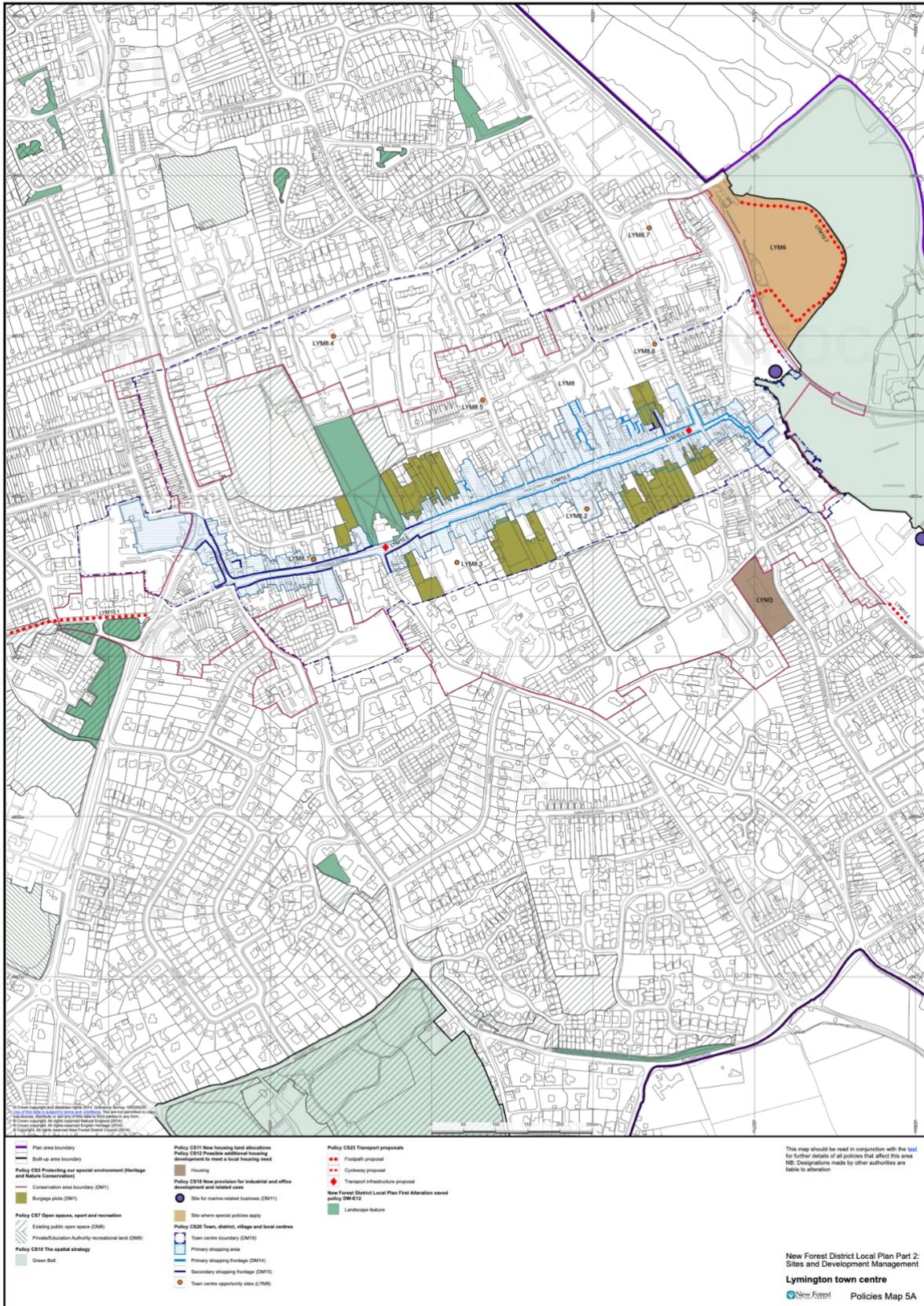
- *Policy DM1 Heritage and Conservation* – conserving and enhancing the historic environment, including listed buildings, Hillfort at Buckland Rings scheduled monument, the Buckland, Kings Saltern, and Lymington conservation areas, burgage plots (nos. 2-24; 45-51; 55-58; 63-75; 124-131 High Street and 43-48 St Thomas' Street) and other heritage assets in the designated neighbourhood area.
- *Policies DM2 Nature conservation, biodiversity and geodiversity and DM3 Mitigation of impacts on European nature conservation sites* – protecting the integrity of Solent and Southampton RAMSAR, The New Forest, Solent Maritime, and Solent and Isle of Wight Lagoons SACs, Solent and Southampton SPA and The New Forest, Lymington River, Lymington River Reedbeds, Hurst Castle and Lymington River Estuary SSSIs within the designated neighbourhood area as well as safeguarding habitats and species on several SINCs and the Lymington-Keyhaven Marshes LNR ensuring appropriate mitigation is secured.
- *Policy DM8 Protection of public open space, private recreation land and school playing fields* – including several such spaces in the designated neighbourhood area.
- *Policy DM9 Green Infrastructure linkages* – protecting and seeking improve connections between green infrastructure assets including those in the designated neighbourhood area.

- *Policies DM11 Sites for marine-related businesses and access to the water and DM12 Maintaining access to the water* – identifying Lymington Marina, Bath Road; Bath Road, Lymington, yacht clubs, harbour offices, car and boat parks; Boat Yard, Mill Lane; and Lymington Yacht Haven, Kings Saltern Road as sites particularly suited for marine-related business and requiring continued access to the water in these locations.
- *Policy DM13 Tourism and visitor facilities* – supporting new serviced visitor accommodation in defined built-up areas and re-use of existing tourist accommodation buildings where no longer viable.
- *Policies DM16 and DM19 on town centres and small shops* – providing a starting point for considering main town centre uses and small shop proposals.
- *Policies DM20 – DM25 on Countryside policies* – setting out the approach to development applying to the rural part of the designated neighbourhood area that does not lie within the NFNPA area.
- *Policy DM26 Development generating significant freight movements* – requiring proposals to be located close to the main road network.
- *Site-specific Policies LYM4* allocating a site in Lymington for residential-led development, all of which has now been completed.
- *Site-specific Policy LYM5* allocating Fox Pond Dairy Depot and Garage, Milford Road, Pennington for mixed use development which has not yet come forward.
- *Site-specific Policy LYM7* designating Ampress Park, Southampton Road for employment uses.
- *Site-specific Policy LYM 8* identifying seven 'Town Centre Opportunity Sites' for main town centre uses.
- *Policy LYM9 Burgage Plots* – preventing development which would harm this important historic feature of Lymington town centre.
- *Policy LYM10.5 & 10.7 Transport Schemes* – identifying specific transport schemes aimed at promoting the use of sustainable travel.



Plan F: NFDC Local Plan Part 2 Policies Map - Lymington and Pennington extract ([link](#))

The most up to date mapping can be viewed online ([link](#))



Plan G: NFDC Local Plan Part 2 Policies Map - Lymington Town Centre extract ([link](#))

The most up to date mapping can be viewed online ([link](#))

3.9 The following policies of the NFDC LOCAL PLAN PART 1 (2020) are relevant to the Lymington and Pennington area:

- o *Policies STR1 – STR3 on spatial strategy* – directing development to the most accessible locations within the district and protecting the countryside, and the adjoining National Park setting.
- o *Policy STR4 Settlement hierarchy* – setting out the nature and scale of development with Lymington classified as a 'town' and one of the most sustainable locations for growth.
- o *Policy STR5 Meeting our housing needs* – identifying at least 6,000 homes on Strategic Site Allocations including 285 new homes in Lymington and Pennington at:
  - *SS5 Land at Milford Road, Lymington* for 185 new homes and public open space;
  - *SS6 Land to the east of Lower Pennington Lane, Lymington* for 100 new homes and public open space;and 200 homes on additional sites to be identified in Lymington and Pennington.
- o *Policy STR6 Sustainable economic growth* – carrying forward the employment allocation of Local Plan Part 2 Policy LYM7.
- o *Policy STR7 Strategic transport priorities* – supporting and encouraging proposals resulting in improvements to accessibility of sustainable travel.
- o *Policy STR8 Community services, infrastructure and facilities* – protecting existing and ensuring adequate provision of new infrastructure.
- o *Policy STR9* carrying forward provisions of the Minerals and Waste Local Plans as much of the designated neighbourhood area falls within either a Minerals Safeguarding Area or Minerals Consultation Area (see below).
- o *Policies ENV1 – ENV4* on protecting the special environment of the district including the designated neighbourhood area.
- o *Policies HOU1 – HOU5* on the type, size and mix of new housing in the district including the designated neighbourhood area.
- o *Policies ECON1 – ECON2; ECON5 – ECON6* on protecting and improving business and the economy needs in the district including the designated neighbourhood area. Specifically, updating the designations of Local Plan Part 2 Policies DM14 – DM19 as well as identifying a 'Primary Shopping Area' in the town centre of Lymington.
- o *Policies CCC1 – CCC2* on community safety and climate change for the district including the designated neighbourhood area.
- o *Policies IMPL1 – IMPL3* on the implementation and monitoring of the plan and new developments.

There is only an interactive version of the NFDC LOCAL PLAN PART 1 (2020) Policies Map available which can be seen by visiting the NFDC website ([link](#)).

3.10 NFDC are proceeding with a full Local Plan (LP) Review but is currently in the very early stages. Conscious that Planning Practice Guidance (ID:41-043-20140306) requires the Qualifying Body and NFDC/NFNPA to work constructively together to avoid duplicating planning processes, the NP Steering Group agreed to address any additional housing

delivery and allocations under a future Neighbourhood Plan review or participation in the LP review as the process progresses.

3.11 The NFNPA LOCAL PLAN (2016 - 2036) recognises that Lymington is one of the main towns adjacent to the National Park which is an important local employment centre and provide services to meet most of the needs of the National Park, including providing access to its two train stations, link with the Isle of Wight ferry, and buses to Southampton via Lyndhurst and Brockenhurst (Policy SP4: Spatial strategy). There are a number of development management policies which cover the rural area of Lymington and Pennington in the National Park including that of Policy DP12 on flood risk which draws attention to the risks of coastal flooding but also that of other water bodies e.g. the Lymington River and Policy SP55 on Access which supports community transport initiatives including the Lymington to Brockenhurst Community Rail Partnership. Other relevant policies of the NFNPA Local Plan are detailed in the Basic Conditions Statement published alongside the Neighbourhood Plan. There is only an interactive version of the NFNPA LOCAL PLAN (2016 - 2036) Policies Map available which can be seen by visiting the NFNPA website ([link](#)).

3.12 The HAMPSHIRE MINERALS AND WASTE PLAN (2013) identifies minerals and waste infrastructure safeguarded within the Plan area, including Manor Farm, Lymington and the Lymington Waste Transfer Station as per Policy 16 and 26 respectively. Much of the designated neighbourhood area falls within a Minerals Safeguarding Area for sand and gravel which is safeguarded against needless sterilisation by non-minerals development, unless 'prior extraction' takes place as per Policy 15. There is only an interactive version of the HAMPSHIRE MINERALS AND WASTE PLAN (2013) Policies Map available which can be seen by visiting the Hampshire County Council website ([link](#)). A partial update of the Hampshire Minerals and Waste Plan as been submitted to the Secretary of State and will shortly be subject to an Examination.

3.13 The Hampshire Local Transport Plan LTP4 ([link](#)), adopted in February 2024, includes a number of policies that are relevant to this Neighbourhood Plan. Of particular relevance are the following:

- Policy HP1 – Deliver the infrastructure required to support a large-scale shift towards walking and cycling for everyday trips
- Policy HP2 – Enable healthy neighbourhoods and high streets in partnership with communities
- Policy BT1 – Regulating traffic, parking, and kerbside deliveries
- Policy RT1 – Maintaining accessibility in rural areas, and providing viable alternatives to the private car
- Policy RT2 – Sustainable access to the countryside
- Policy DM1 - Integrate transport and strategic land use planning to reduce car dependency
- Policy DM2 - Support proactive masterplanning of new development sites for high quality neighbourhoods

3.14 There are no made neighbourhood plans in the vicinity.

## CONSERVATION AREAS

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3.15 There are three Conservation Areas in the Town;

- Lymington Conservation Area was designated in July 1977 and the boundary has since been amended a number of times, most recently in 1999. See Plan B on page 8.
- Buckland (Lymington) Conservation Area was designated in December 1999. See Plan C on page 9.
- King's Saltern (Lymington) Conservation Area was designated in April 2001. See Plan D on page 10.

Conservation Areas were introduced by the Civic Amenities Act of 1967, to protect areas of special interest as opposed to individual buildings. Since 1967 some 8,000 conservation areas have been designated in England. Under the Planning (Listed Buildings and Conservation Areas) Act 1990 local authorities have a duty to designate conservation areas and from time to time to review the boundaries. Such areas are defined as 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'.

3.16 The main attributes that define the special character of an area are its physical appearance and history, i.e. the form and features of buildings and the spaces between them, their former uses and historical development. Where there are a number of periods of historical development, the character of individual parts of the conservation area may differ. Contrasts between the appearance of areas and the combination of buildings of various ages, materials and styles may contribute to its special character.

## 4. COMMUNITY VIEWS ON PLANNING ISSUES

4.1 The Lymington and Pennington Neighbourhood Plan has a Steering Group consisting of seven Town Councillors.

4.2 Initially six working groups were created, comprising of Town Councillors, representatives of local community groups, residents and local businesspeople. These groups discussed various planning and infrastructure issues including:

- Green Infrastructure
- Design and Heritage
- Strategic Site
- Business, Tourism and Employment
- Social Infrastructure
- Transport and Roads
- In 2021 a Town Centre Working group was added.

4.3 In 2017 and 2023 informal consultations were held with the local Community. Both consultations comprised of a drop in exhibitions, with Steering Group members and Council Officers available to answer questions. The events were held in St Marks Church Hall, Pennington and Town Hall, Lymington. The 2017 exhibitions attracted over 1300 residents between them and over 800 people visited both the exhibitions in 2023. Local interest groups were also invited to a question/answer meeting in 2023 with the Steering Group.

4.4 Both informal consultations included surveys asking the Community their views on planning issues, with the latter focusing on policies to be included in the plan. 586 responses were received in 2017 and 93 in 2023. The 2017 consultations included the strategic sites, which is the likely reason for a greater response.

4.5 Throughout the Plan period the consistent response from the community has been on the need for more first homes/smaller homes for younger people and less retirement properties being built in Lymington. There has also been a strong demand for improved green infrastructure links, encouraging pedestrians and cyclists and connecting open spaces. Other areas raised include:

- Improved telecommunications
- Raise design standards
- Development on brownfield sites only
- Energy efficient housing
- Improvements to Lymington High Street and Pennington Village.

4.6 A full account of consultation will be included in the Consultation Statement which will be published alongside the submission version of the Plan document in due course.

VISION

- “A flourishing town with a younger, economically active population;
- A thriving town centre utilising its heritage, marine and tourism appeal to differentiate itself from other towns in the forest;
- A green town well connected to the surrounding coast, countryside and National Park;
- A self-contained town able to meet all its community health, education and recreational needs;
- A delightful town of distinct local areas, streets and rural lanes successfully blending the old with the new;
- A sustainable town that contains its impacts on the high-quality biodiversity and green belt that surround it”.

OBJECTIVES



5.1 The purpose of these policies is both to encourage planning applications for proposals that the local community would like to support, and to discourage applications for development that the community does not consider represent sustainable development in the Parish.

5.2 The planning framework for the Parish will continue to rely on national and local policies in addition to the policies introduced under the Neighbourhood Plan. Set out below are the proposed land use policies. Each policy is numbered and titled. Where necessary, the area to which it will apply is shown on the Policies Map attached to the document. After each policy is some supporting text that explains the purpose of the policy, how it will be applied and, where helpful, how it relates to other development plan policies.

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### **POLICY LP1: A SPATIAL STRATEGY FOR THE TOWN**

**A. The focus for new development in Lymington and Pennington, outside of the National Park will be on reusing brownfield land and on realising other suitable development opportunities within the settlement boundary, as shown on the Policies Map. The principles of 'brownfield first' and of 'gentle densification' in the town will deliver a supply of developable land over the Plan period that will reduce the need for land to be further released from the Green Belt for development that will avoid significantly eroding the special historic and architectural interest of the Lymington Conservation Area.**

**B. The focus on using brownfield land and for gentle densification will contribute to bolstering and sustaining the Lymington town centre's vitality and viability as the primary centre for retail and other town centre uses. The local centres at Pennington will continue to help meet the day-to-day needs of the local community in line with '20-minute neighbourhood' principles. Outside the town and local centres, the residential character of the suburban areas of Lymington and Pennington will be sustained and enhanced through sensitively designed high quality infill and plot redevelopment.**

**C. Beyond the settlement boundary the focus will be on enhancing the natural environment, contributing to nature recovery, protecting and enhancing the National Park landscape and maintaining the essential characteristics of openness and permanence of the Green Belt in accordance with national policies, avoiding inappropriate development, unless material considerations indicate otherwise.**

5.3 This policy establishes a coherent spatial plan for the town and its surrounding countryside that shows how its key component parts – Lymington town centre, Pennington

local centres, the suburban areas and undeveloped countryside areas – will work together to bolster this sustainable community. It accords with the broader spatial strategy objectives of the NFDC and NFNPA Local Plans and does not attempt to revise the way in which development plan policies apply to the area, it simply refines the distinct spatial components of the area in more detail whilst taking into account that other material considerations, such as the latest version of the NPPF, will continue to apply.

5.4 Critical to the success of the town will be maintaining its identity as a distinct, self-contained settlement nestled within the Green Belt. The urban fabric of the town offers opportunities for gentle densification, especially in and around the town centre area and at the local centres in Pennington serving the surrounding residential areas, but also to reuse previously developed ('brownfield') land. Gentle densification can be defined as increasing the density of a proposed housing development to meet housing needs, whilst guarding against detracting from the character of the particular area which includes the special historic and architectural interest of the Lymington Conservation Area as set out in the Lymington Conservation Area Appraisal and other design guidance. There will also be a need for appropriate levels of car and cycle parking provision for new developments.

5.5 The policy requires proper attention to be given to prioritising and realising such opportunities as they arise, rather than utilize the Green Belt. Not only is this approach more efficient in using a scarce land resource, but it will avoid creating unsustainable patterns of growth, poorly located from established infrastructure and therefore car dependent.

## **POLICY LP2: LYMINGTON TOWN CENTRE**

- A. The Neighbourhood Plan defines a Spatial Framework for Lymington Town Centre, as shown on Plan H, for the purpose of delivering the objectives of the Lymington Town Centre Vision, as set out in Appendix A.**
- B. Proposals for redevelopment within and adjacent to the key elements of the Spatial Framework will be supported provided they demonstrate how they will contribute to the Lymington Town Centre Vision.**
- C. As appropriate to their scale, nature and location, development proposals will be required to make a direct and proportionate contribution to projects and town centre improvements which deliver the objectives of the Lymington Town Centre Vision.**

5.6 Lymington Town Centre has retained its attraction as a vibrant destination that draws in many visitors and tourists throughout the year, however it cannot become complacent in considering changing economic and consumer trends, including other

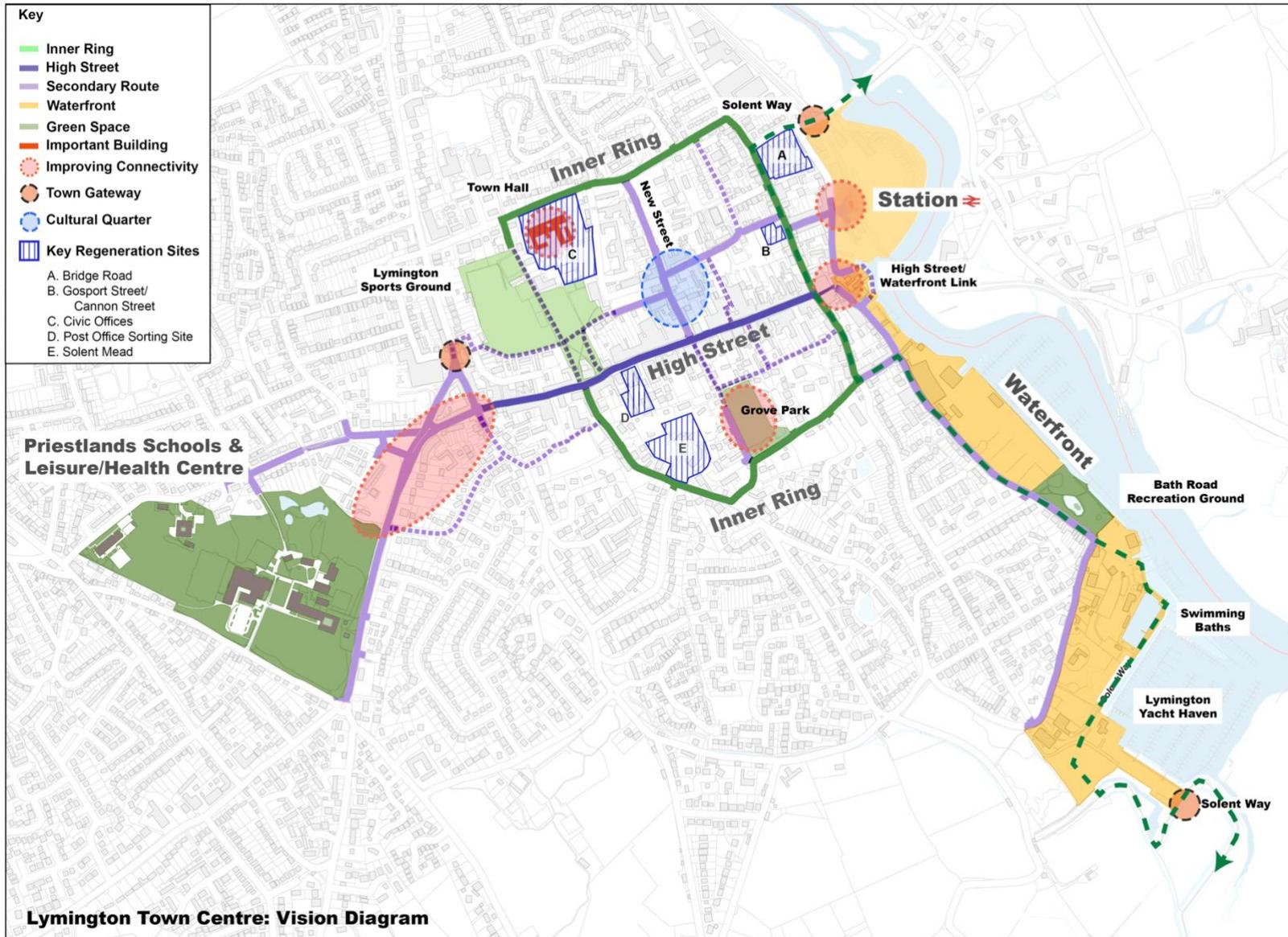
longer-term challenges such as the climate crisis. It has therefore been important to consider how Lymington Town Centre can continue to provide a balanced mix of social, public and economic activities. It must take a 'Place First' approach that reflects the needs of its users, its specific characteristics, strengths, culture and heritage. This approach is in line with the Grimsey Review 2 (July 2018) [\(link\)](#) conclusions which highlight the need to reshape centres into community hubs which incorporate health, housing, arts, education, entertainment, business/office space, as well as some shops, while developing a unique selling proposition.

5.7 The policy therefore defines a Spatial Framework for Lymington Town Centre which incorporates not only the essential commercial, business and service uses within the village centre but also existing and new open space provisions. The key elements of the Spatial Framework are shown in Plan H below and are set out in more detail in the attached Appendix A.

5.8 The Town Centre functions encompasses residential, commercial, business and service, local community and leisure uses. The existing open spaces and other amenities and their connection and close proximity to the commercial, business and service uses serves a much wider purpose than simply offering access to a wide range of employment, services and facilities. The area functions as an important meeting place for local people which meets health, recreational and day-to-day business, commercial and service needs with new development anticipated to contribute to this wider purpose.

5.9 The policy therefore seeks to retain the wider functions of the Town Centre and make provisions for redevelopments to enhance these functions through improving accessibility and the safety and enjoyment of the active travel environment, the public realm and the green environment. This will be achieved through managing the design features for all new development proposals within the Spatial Framework of the Lymington Town Centre.

5.10 Finally, the policy seeks to refine NFDC Local Plan Part One Policy IMPL1 by ensuring that allocated funds are directed to projects and town centre improvements identified in Appendix A to deliver the objectives of the Lymington Town Centre Vision. The mix of town centre uses will continue to be managed by existing development plan policies until such a time that they are replaced, either through other policies in this Neighbourhood Plan, its review, or an emerging Local Plan.



Plan H: Lymington Town Centre Spatial Framework

## **POLICY LP3: KEY REGENERATION OPPORTUNITIES IN THE TOWN CENTRE**

**A. Proposals for redevelopment of the following key regeneration sites, as shown on the Policies Map, are encouraged provided they demonstrate how they contribute to the Lymington Town Centre Vision and accord with other relevant development plan policies:**

- a. Bridge Road**
- b. Gosport/Cannon Street**
- c. Town Hall, Avenue Road**
- d. Post Office and BT Site**
- e. Solent Mead**

**For the avoidance of doubt, strategic policy requirements on Bird Aware Solent, the Mitigation for Recreational Impacts on New Forest European Sites and nutrient neutrality will continue to apply.**

5.11 The policy seeks to encourage the redevelopment of a number of key regeneration sites within the town centre. Collectively these opportunity areas have the potential capacity to deliver new homes in a sustainable location to contribute to the housing requirement of around 200 set out in Policy STR5 of the NFDC Local Plan Part 1. All of the sites have been identified in the NFDC Strategic Housing Land Availability Assessment: Appendix 5 Lymington dated June 2018 with the exception of Bridge Road and Solent Mead. The Bridge Road site was the only additional site that was made available through previous Neighbourhood Plan consultations. A decision was made earlier this year to close Solent Mead and it is therefore likely that the site will become available during the plan period.

5.12 The residential element of proposals is encouraged to deliver housing types and tenures that are more suited to younger households than older households, although downsizing opportunities will also be supported as part of a balanced mix of homes. As further set out in Policy LP7, the aim of securing a mixed and balanced community demographic is key in the town and will significantly improve the ability to sustain a vibrant town centre. In addition to residential development, these sites can also provide for other non-residential uses; including retail, employment and hotel uses and there may therefore

not be a need to relocate some of the employment uses. All of the sites fall within the town centre boundary and offers an opportunity to contribute to the Town Centre Vision.

5.13 All of the sites lie either adjacent or close to the Inner Ring proposed as part of the Town Centre Vision providing an opportunity to influence the design and layout of schemes to contribute to its delivery. The Bridge Road site (a.) provides an opportunity to respond to its location at one of the town's gateways and the redevelopment of the Civic Offices (c.) provides an opportunity to create a more mixed use and lively environment. Further details are set out in Appendix A. The Town Council will continue to lobby all landowners to maximise the provision of affordable housing for social rent on all of these sites.

5.14 The Neighbourhood Plan acknowledges that redevelopment of brownfield land may have higher development costs and it may therefore be necessary to change some of the policy levers to fully realise the redevelopment potential of these sites. The Town Council therefore encourages future developers to engage directly with it and the local community, alongside wider stakeholders, to discuss and agree options for enabling the delivery of viable schemes supported by the local community.

## **POLICY LP4: PENNINGTON SHOPPING PARADES**

**A. The Neighbourhood Plan defines Local Shopping Frontages at Milford Road and South Street, and Pennington Square and South Street, as shown on the Policies Map. Proposals for a change of use that will result in the loss of a use that meets the day-to-day needs of the local community on ground floor frontages in a Local Shopping Frontage will not be supported.**

5.15 This policy is intended to protect the essential local shopping and service facilities at Milford Road and South Street, and Pennington Square and South Street replacing the provisions of NFDC Local Plan Part One Policy ECON6. Both parades play a vital role in providing the local communities with convenience and local services that reduce their dependence on travelling further afield. It is necessary to update this policy provision following the implementation of the new Use Class Order which consolidated a number of uses into a new Class E (commercial, business and service) uses and the impact from shops changing into residential uses in these locations. The figures below demonstrate the extent of existing uses and the shopping frontages defined on the Policies Map reflect this updated evidence base. It has not been necessary to amend the extent of the parades as defined in the NFDC Local Plan Part One Policy ECON6.

5.16 It is recognised that some changes of use do not now require planning permission and new permitted development rights has enabled changes of use from what are now Class E uses to residential uses. The Town Council will monitor the loss of such uses to residential uses in partnership with NFDC. Should monitoring indicate that such uses are being lost to residential uses at a rate that harms the ability of the local communities' day-

to-day needs being met the Town Council will discuss the opportunity of NFDC initiating an Article 4 Direction application with the Secretary of State. An Article 4 Direction can remove permitted development rights, enabling such changes to remain in planning control.

Fox Pond Shopping Parade



- Class C3 (residential use)
- Class E (commercial, business and service use)

Pennington Square Shopping Parade



Class C3 (residential use)



Class E (commercial, business and service use)



## **POLICY LP5: WALKABLE NEIGHBOURHOODS**

- A. The Neighbourhood Plan identifies broad locations at Buckland, Woodside, Lower Pennington and Upper Pennington, as shown on the Policies Map, as walkable communities that are primarily residential areas lying more than 800m walk from the defined Lymington Town Centre.**
- B. In each broad location, proposals comprising uses to meet the local communities day-to-day needs will be supported in principle.**
- C. Proposals that comprise one or more uses defined in Clause B may be delivered as ground floor units in a scheme with housing on upper floors if designed to manage any potential for conflicts in amenity between those uses.**
- D. Proposals must demonstrate how schemes are considered to strengthen the mix and balance of uses which provide for the day-to-day needs of local people. Within this context clustering of one or more uses defined in Clause B in each broad location is preferred.**
- E. Proposals that comprise one or more uses defined in Clause B must demonstrate that the site is located and accessible by walking, cycling and/or public transport from established residential areas in a walkable community area in safe, convenient and pleasant ways.**
- F. Proposals to change the use of land or premises in a walkable community area from an established use defined in Clause B to another use will not be supported.**

5.17 The policy is inspired by the 20-minute neighbourhood concept which seeks to ensure that there is good access to a range of services and facilities within a 10 minute walk (800m) of home. Interest in the idea has grown as the COVID-19 pandemic lockdowns put a spotlight on the importance of the liveability of neighbourhoods, perhaps working at home if possible, using public green space, cycling and walking instead of using cars and connecting with neighbours. There is generally a good coverage of services and facilities across Lymington and Pennington and the policy therefore identifies broad locations within the town's suburban areas to protect established every day/convenience Class E – such as the Local Shopping Frontages defined in Policy LP4 above – and community uses spread across the town from loss to other uses and to support the provision of new uses. To clarify the policy does not promote a critical mass of commercial developments or main town centre uses in these broad locations but seeks to meet the day-to-day needs of local people.

5.18 Hampshire County Council and NFDC conducted a consultation on the draft Local Cycling and Walking Infrastructure Plan (LCWIP) ([link](#)) in September-November 2024 and anticipates adopting this in Summer 2025.

## POLICY LP6: HIGH QUALITY DESIGN

- A. All development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. To achieve this development proposals are required to have full regard the Lymington Local Distinctiveness SPD, attached as Appendix C, as relevant to their location, scale and nature.
- B. In addition, development proposals should:
- I. Use a combination of design responses to create places that have a clear identity, are easy to navigate, and are in keeping with the character and appearance of the area. These can include landmark buildings, distinct building features, distinct landscaping and mature trees, signage at key nodes and arrival points, variations in alignment and small setbacks of buildings where appropriate; and
  - II. Use a combination of environmental design responses to provide benefits for people, wildlife and the environment including creating habitats for wildlife, street planting, and new woodlands with careful consideration of the location, species and spacing. The loss of existing healthy specimen hedgerows and green features to accommodate development or provide access should be minimised. Landscaping and layout schemes will be expected to demonstrate how development has incorporated existing healthy specimen hedgerows and green features. Where removal is necessary replacements should be of an appropriate size and species; and
  - III. Minimise the impact of vehicle parking on the street scene. Where parking is at the front of buildings it should be combined with high quality and well designed soft landscaping.
- C. Until such a time that Building Regulations approved documents make Part M4 (2) category buildings mandatory for all new homes, all homes should be constructed to Building Regulations Part M4 (2) accessible and adaptable standard (as amended) unless it can be demonstrated that the application of this requirement would render a development unviable, supported by an independent viability assessment that demonstrates that the application of the standard would make the development unviable. In addition, the provision of homes constructed to Building Regulations Part M4(3) for wheelchair accessible homes will also be supported.

5.19 This policy responds to the Government's encouragement that neighbourhood plans should set out local design guidance by refining NFDC Policy ENV3 and NFNPA Policy DP18.

5.20 The Lymington Local Distinctiveness SPD has been a material consideration since 2011 and remains broadly up to date and crucial in guiding the design of schemes in Lymington and Pennington Parish. The SPD is therefore an integral part of the policy but is extensive in distinguishing different areas of the town and is therefore published separately to the Neighbourhood Plan as its Appendix C. To be clear therefore, as the SPD has been prepared and consulted on as part of the Plan, its content carries the full weight of the development plan in decision making and is not subordinate or supplementary guidance carrying lesser weight.

5.21 Applicants will therefore be expected to have acknowledged, understood and responded positively to the SPD as relevant to the location, scale and nature of their proposals. Where a proposal does not seek to follow the requirements of the SPD then the applicant will be obliged to justify why an exception should be made, for example, because a scheme meets the Net Zero Carbon provisions of Policy LP11 requiring a design solution that cannot fully comply with the SPD. Whilst Appendix C has undergone the process of being adopted as an SPD, this policy seeks to provide it with a status of the full weight of the development plan, rather than a material consideration as SPD's are normally considered.

5.22 The policy also seeks to retain provisions included in the Lymington and Pennington Design Guidelines and Codes at the Regulation 14 stage of this plan. Its content duplicated many existing national and strategic policy provisions and other neighbourhood plan policies. In responding to important stakeholder comments following the Regulation 14 consultation and to avoid unnecessary duplication as per the NPPF provisions, the Lymington and Pennington Design Guidelines and Codes has therefore been removed from the plan. However, the policy, in its Clauses B and C, has drawn out those matters from the Lymington and Pennington Design Guidelines and Codes that is considered is not sufficiently covered by existing national and strategic policy provisions or other neighbourhood plan policies. The Town Council remains committed to securing high quality design and will continue to do so through its responses to planning applications, higher tier design codes and guidance, emerging local plans, and through any future reviews of this plan.

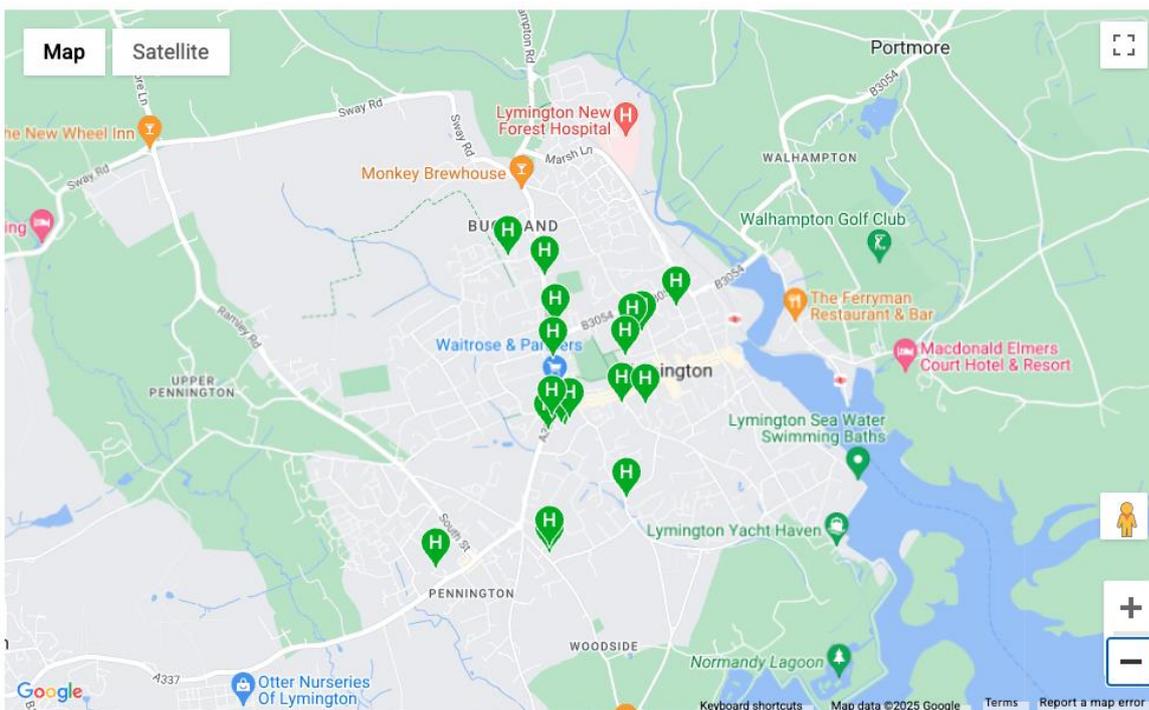
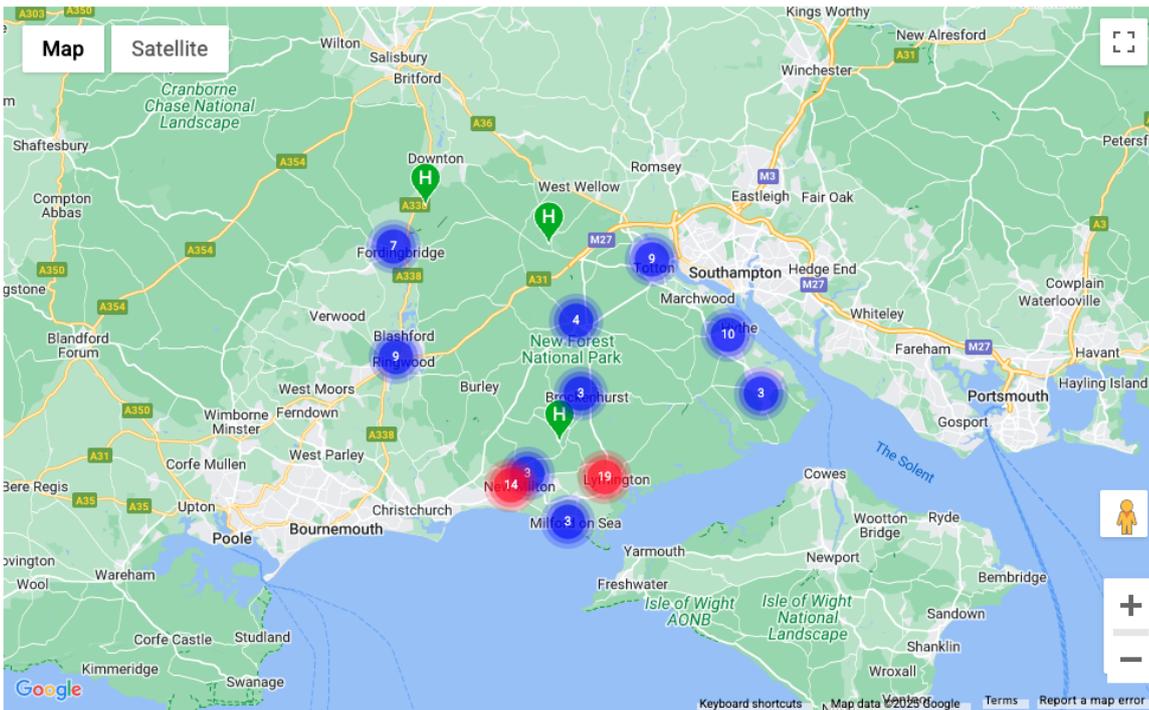
## **POLICY LP7: PROVIDING A BALANCED MIX OF DWELLINGS TO MEET LOCAL NEEDS**

- A. Proposals for residential development will be expected to provide a mix of dwelling types and sizes to address the nature of local needs and contribute to the objective of creating a mixed and balanced community.**
  
- B. To achieve this objective, new residential development must seek to include in their housing mix smaller dwellings that have one or two bedrooms and a tenure suitable for those looking to rent/buy their first home and downsizers. The number of small dwellings should be greater than 50% of the total in schemes of five or more dwellings.**
  
- C. The Neighbourhood Plan encourages schemes to give full consideration to deliver some of the affordable housing element through a Community Land Trust, or equivalent body, for which an appropriate lettings policy will be agreed between the Trust and the District Council/Park Authority.**

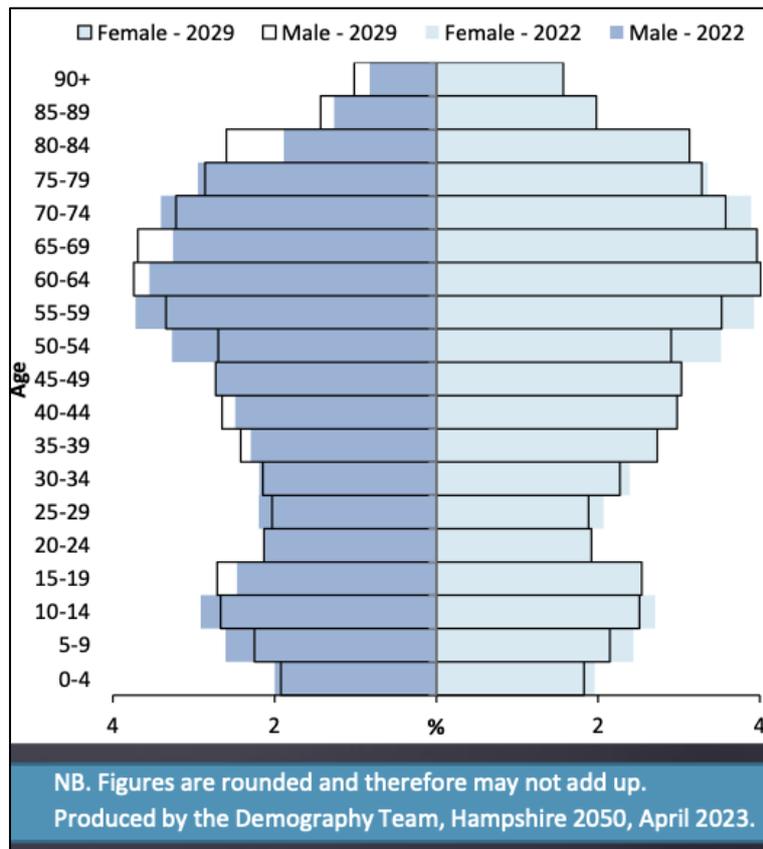
5.23 The policy seeks to diversify the housing stock to allow younger people/families with a local connection to Lymington and Pennington to remain in the town. The provision of a stock of small housing units would also give the elderly an opportunity, if they wish, to vacate their larger dwellings, yet remain resident in the town and provide an opportunity for younger and/or key worker, one and two person households to find suitable accommodation in the area. Better utilisation of the existing housing stock is unlikely to occur unless smaller units are available either by the construction of new small dwellings or by the conversion of existing properties. The provision of the policy is key in seeking a mixed and balanced demographic.

5.24 NFDC Local Plan Part 1 Policy HOU1 on housing type, size, tenure and choice states that proposals should improve the diversity of housing choice. It's paragraph 6.5 recognises that the existing housing stock of the Plan Area is predominantly 3 and 4 bedroom homes and that a turnover within the existing housing stock will continue to be the main source of supply for meeting future demand for larger homes. In this respect the Neighbourhood Plan has adopted the definition of smaller homes as being 1 and 2 bedroom homes. The provision of a given proportion of smaller dwellings (i.e. greater than 50% of the total) will also ensure an efficient use of land in the built-up areas of the town. The policy is intended to provide a starting point for proposals in Lymington and Pennington to achieve that aim. It is necessary to diversify the local housing stock to generally improve choice by prioritising two broad local housing markets, young people and families new to the housing market and older people whose opportunity to downsize may be limited. In this respect the Town Council will continue to resist additional retirement homes to an otherwise already saturated market.

5.25 The figures below show a simple search conducted for housing and care homes held by the Elderly Accommodation Counsel (ECA), a national charity which supports older people in finding housing and care. There are 18 separate sites offering housing for older people, by far the largest provider of such homes, with only New Milton not far behind, when compared to the remainder of the district. (One of the sites is recorded twice on the map hence the figures shows 19). According to the ECA there are 507 retirement homes built in Lymington, see table below. A further 32 retirement flats are under construction on the site of the former police station and will be completed in 2025.







Source: <https://documents.hants.gov.uk/population/Factsheet-NewForest.pdf>

5.27 The provisions of the policy are therefore considered to be a necessary step to secure a more balanced community in the longer term and provide opportunities for younger people and 'downsizers' to be able to access housing which otherwise the market would not deliver.

### 5.28

To the extent that affordability is an issue, it is important that all possible steps are explored including a longer-term potential for Community Led housing. The policy therefore also encourages landowners and their future development partners to give full consideration to the desire by the local community to see a proportion of new homes delivered by a new Community Land trust, or equivalent body. This is not a policy requirement, but there is local community support to deliver housing in the parish in this way to ensure that local needs are prioritised and homes are genuinely affordable in perpetuity. In the event that such a model is pursued an appropriate lettings policy will be agreed with NFDC and NFNPA. Where this is not delivered in this way, the adopted NFDC and NFNPA Local Lettings Policy for the area will continue to apply. The Town Council will continue to seek to negotiate high levels of affordable homes for rent.

## **POLICY LP8: GREEN INFRASTRUCTURE AND NATURE RECOVERY NETWORK**

- A. The Neighbourhood Plan designates a Green Infrastructure and Nature Recovery Network, as shown on the Green Infrastructure and Nature Recovery Map, for the purpose of promoting ecological connectivity, outdoor recreation and sustainable movement through the parish and into the National Park; helping to mitigate climate change. The Network comprises the town's variety of green spaces, ancient woodland, trees and hedgerows, water bodies, Safer Lanes Network, assets of biodiversity value, children's play areas and recreational playing fields.**
- B. Development proposals that lie within or adjoining the network are required to have full regard to maintaining and improving the functionality of the network, including delivering a net gain to biodiversity and improving connections to existing green infrastructure assets and the wider countryside, in the design of their layouts and landscaping schemes. Proposals that will harm the functionality or connectivity of the network will not be supported.**
- C. All development should embed Green Infrastructure in a way that helps to support nature recovery to reverse the decline in biodiversity and result in a net gain. Development proposals that will lead to an extension of the network will be supported, provided they are consistent with all other relevant policies of the development plan.**
- D. The Policies Map shows those parts of the designated Network that are known or likely to have biodiversity value. For the purpose of calculating Biodiversity Net Gain requirements using DEFRA's latest metric, development proposals located within or adjoining that part of the Network should anticipate achieving at least a medium distinctiveness multiplier score.**
- E. Any proposal that can demonstrate that off-site compensation to mitigate for biodiversity loss is necessary must follow a sequential approach to its delivery. The gain should be delivered within or adjoining the network where the land is suited in principle for delivering the necessary gain. If this is not practical, then gain should be delivered on land within an adjoining Parish that is suited in principle for delivering the necessary gain. Only if it can be shown that this is not practical may the gain be delivered on other land.**

5.29 The policy defines the presence of green and blue infrastructure assets in the Parish. Green infrastructure is a network of multi-functional green space and other green features,

urban and rural, which can deliver quality of life and environmental benefits for communities. Green infrastructure is not simply an alternative description for conventional open space. It includes parks, open spaces, playing fields, woodlands – and also street trees, allotments, private gardens, green roofs and walls, sustainable drainage systems (SuDS) and soils. It also includes rivers, streams and other water bodies, sometimes called 'blue infrastructure'.

5.30 Nature Recovery means leaving nature in a better state than we found it and is typically achieved by:

- Restoring protected sites to favourable condition.
- Creating or restoring habitats outside of protected sites - the "stepping stone" habitats.
- Supporting the recovery of species.
- Increasing woodland cover.

5.31 All of the above are the ingredients which contribute towards a Green Infrastructure and Nature Recovery Network, of which the network defined for Lymington and Pennington parish will form a small part of what eventually will become a national network of connected wildlife-rich places to address the 'climate and ecological emergency'. In this respect a Local Nature Recovery Strategy is being prepared for Hampshire which will further inform the priorities for nature recovery.

5.32 The policy requires that all development proposals that lie within the Network, or that adjoin it, should consider how they may improve the Network, or at the very least do not undermine its integrity of connecting habitats. The Green Infrastructure and Nature Recovery Map shows the full extent of the Network, which allows applicants to determine if their proposals should take this policy into account. Where proposals include provision for landscaping, new means of access or new layouts, there may be an opportunity to relate the land better to the Network, for example in complementing existing biodiversity value through the design of the landscape scheme. At the very least, the policy requires that proposals that will undermine the existing value of the Network will be a reason for refusal of planning permission.

5.33 Clause D relates to those parts of the Network of biodiversity value. Given it includes all defined priority habitats and semi-natural habitats, native hedgerows and trees and natural water bodies, the clause anticipates that the distinctiveness multiplier score of the BNG Metric (from very low to very high) will be at least medium. Clause E sets out how the loss of biodiversity-value will be addressed through a sequential approach. The new biodiversity net gain requirement of at least 10% (as set out the Environment Act of 2021) should be delivered either onsite or within or adjoining the Network so that the benefits of development are accrued as close as possible to the development site. However, it is accepted that the Network in the Parish may not be suited to delivering every type of required off-site gain. In such cases Clause E allows for the gain to be delivered in adjoining Parishes or, as a final resort, on land elsewhere.

5.34 The policy provides a local element to the provisions of NFDC Policy STR1, ENV1 and DM2 together with NFNPA Policy SP6 and SP9 seek to protect, maintain and enhance biodiversity and green infrastructure assets. NFDC has also prepared 'Interim Guidance on Biodiversity Net Gain' to ensure that each development will make provision for biodiversity improvements. Similarly, NFNPA also require environmental enhancements to be achieved as described in Section 7 of their Design Code SPD.

5.35 The Parish is an area rich in wildlife and contains a range of high-quality natural habitats that are greatly valued by the local community and visitors. The eastern boundary of the Parish is defined by the Lymington River which follows a meandering path through mudflats to join the Solent. The river and its marine related functions are a fundamental part of the character of Lymington. The landscape character of the eastern boundary is a combination of a wetland floodplain along the river to the north of the B3054 river crossing, and a developed edge defined by the marine activities associated with the River Lymington to the south, including employment uses, sheds, harbours, pontoons and slip ways.

5.36 The railway line also runs into the town along this edge with the station located on a bend in the river behind the recent residential development at Almansa Way. The river frontage along the northern part of this boundary is relatively inaccessible given the railway line but opens up to the south of Haven Quay as the railway line crosses the river to the Lymington Pier terminus. This southern part of the river contains the yachting and marine industry related environment that is part of the Lymington character and attraction. Lymington Reedbeds SSSI lies north of the river crossing. Lymington River SSSI is also recognised as an important nature conservation area, bordered by mudflats and saltmarshes that are vital to the ecosystem surrounding the estuary.

5.37 The southern boundary follows the coastline along the Solent and includes a number of inlets formed by the drainage ditches and watercourses. The landscape character between this boundary and the southern edge of the settlement is a rich wetland habitat of marshes, drains and mudflats with views across to the Isle of Wight and contains the Lymington and Keyhaven Marshes Local Nature Reserve, also designated as part of the Solent and Southampton Water SPA and RAMSAR. The ecological value of the Safer Lanes Network also makes a substantial contribution to the Network connecting the urban area with the saltmarshes.

5.38 The Nature Reserve is historic and has nature conservation importance, being a habitat recognised nationally and internationally. Hampshire County Council began taking ownership of the area in 1974 purchasing Normandy Farm. Subsequently they took ownership of Pennington Marshes (1979) and Keyhaven Marshes (1984). This was in response to the rate of development and loss of habitat in the previous decades. Today, the reserves cover over 1200 hectares and incorporate mudflats, salt marshes, shingle banks, coastal grazing marshes, and saline lagoons and supports important populations of birds and rare and specialist plants and invertebrates.

5.39 The western boundary follows the course of Avon Water, a watercourse that flows from the New Forest into the Solent linking a number of marsh and meadow Sites of Importance for Nature Conservation (SINCs) along its route. To the east of Avon Water lies Upper Pennington and Pennington Common SSSI's which form the Core Area to the west of Ramley Road. The river corridor is wooded along its course with additional woodland belts and copses separating the western developed edge of Lymington/Pennington from the village of Everton to the west which is outside the Neighbourhood Plan boundary.

5.40 The northern boundary runs along a tributary to the Lymington River before following the rear of the properties along the northern side of Sway Road. The landscape character of this area up to the northern edge of Lymington is still predominantly rural with a combination of arable and pasture fields, farm buildings and access tracks. This area also includes the Bucklands Ring Fort, which is a Scheduled Ancient Monument.

5.41 The mapping has been derived from the Hampshire Biodiversity Information Centre (HBIC). HBIC have mapped the Lymington and Pennington Ecological Network. The network forms the basis of the identification of the Lymington and Pennington Green Infrastructure and Nature Recovery Network Map overleaf. The network is hierarchical and based on the following components:

- Biodiversity Opportunity Areas (BOAs) - the Strategic Network
- Core Statutory Sites
- Core Non-statutory Sites
- Network Opportunity Areas

5.42 The Lymington and Pennington Green Infrastructure and Nature Recovery Map overleaf comprises:

5.43 Core Areas: These comprise statutory designated sites including Sites of Special Scientific Interest, and Local Nature Reserves. Here this will include the Safer Lanes Network.

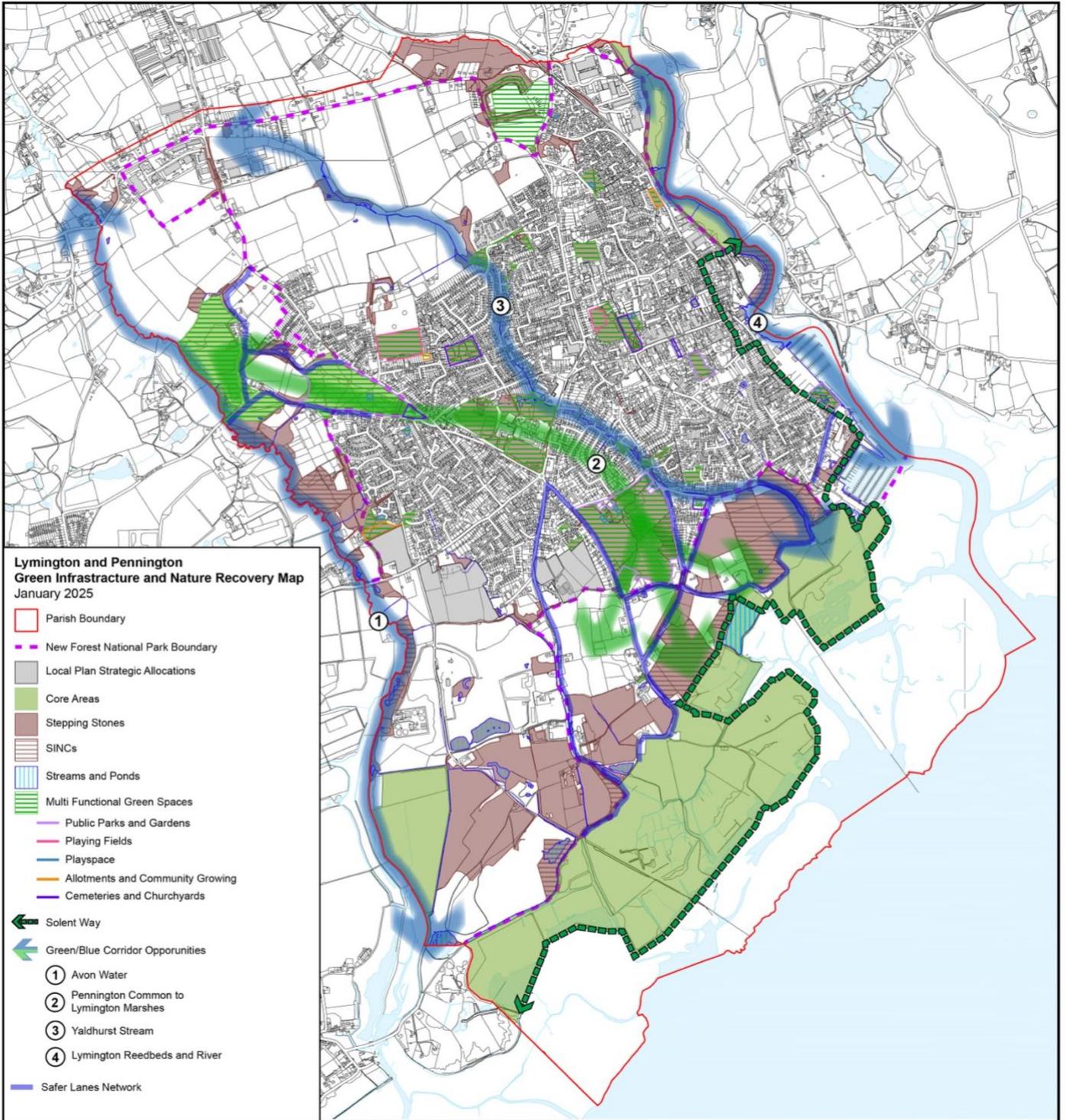
5.44 Stepping Stones: These comprise non-statutory sites and may include Sites of Importance for Nature Conservation, Priority Habitats and Woodland. Within towns and villages they also include amenity greenspace, parks and gardens, playing fields, cemeteries and allotments.

5.45 Network Opportunity Areas: These may be areas of woodland, neutral or calcareous grassland and other linear features such as hedgerows and watercourses which also offer network opportunities.

5.46 'Green/Blue Corridor' Opportunities: In the case of Lymington and Pennington, the 'Network Opportunities' component of the HBIC mapping; the application of Natural England's guidance (Ref. 2) together with local knowledge of urban green and blue spaces have been used to identify the four 'Green/Blue Corridor opportunities'. These corridors could equally be used, where appropriate, to inform proposals to achieve biodiversity net gain as part of the planning application process in line with provisions of the

Neighbourhood Plan policy to promote the restoration and re-creation of priority habitats including increasing the size of existing wildlife sites, enhance connections between sites, either through physical corridors or through 'stepping-stones', enable the recovery and enhancement of priority species populations.

5.47 Hampshire County Council and NFDC conducted a consultation on the draft Local Cycling and Walking Infrastructure Plan (LCWIP) ([link](#)) in September-November 2024 and anticipates adopting this in Summer 2025. Also of relevance is the Hampshire Countryside Access Plan ([link](#)).



**Plan I: Green Infrastructure and Nature Recovery Map**

## **POLICY LP9: SAFER LANES NETWORK**

- A. The Neighbourhood Plan identifies a Safer Lanes Network, as shown on the Policies Map, for the purposes of protecting the rural and historic characteristics of the lanes and promoting the lanes as shared spaces.**
- B. Where relevant to the nature, scale and location, proposals should preserve, and where practicable enhance, the rural character and tranquillity of the Safer Lanes Network having regard to the key objectives set out in Clause C below.**
- C. Safer Lanes Network Key Objectives:**
- i. Retaining the key rural characteristics of the lanes including tree and hedgerow lined frontages with any fencing set back from the lane and screened with hedgerow planting, permeable frontages, and the retention and maintenance of ditches and verges avoiding the introduction and use of culverts;**
  - ii. Avoiding the introduction of urbanising highways infrastructure, including reducing unnecessary lighting pollution and avoiding the introduction of inappropriate lighting schemes;**
  - iii. Preventing parking on verges using infrastructure appropriate to a rural setting. Where parking is necessary, mitigating any harm to the biodiversity value provided by verges;**
  - iv. Prioritising non-motorised users of the lanes and avoiding the introduction of transport and access arrangements which adversely effects their use by non-motorised users and the rural and historic characteristics of the lanes.**

5.48 The historic lanes in Lymington and Pennington are an important feature in the character of the area and hold value as recreational routes. They continue to provide insights into past communities and their activities, may contain archaeological potential, have considerable ecological value as habitats serving as corridors for movement and acting as vital connections between other habitats, and also promote well-being for non-motorised users. The policy seeks to protect these lanes by preserving, as far as possible, the trees, hedgerows, banks, ditches and verges which contribute to their character and by resisting development proposals which have a detrimental effect on them.

5.49 The Lymington Local Distinctiveness SPD notes rural lanes which led down from the town to the salterns, withy beds, fishermen's cottages and the old sea water baths pre-

date common use of the motor car and inform much of the character of the Waterford and Westfield area. Throughout the area of Pennington the original routes of the old lanes remain of vital importance to the character of the place and in the Rural Lanes character area notes that the edges of lanes have a huge effect upon the character of the place. It goes on to note that old rural lanes and their green and varied edges, verges, ditches, as well as hedgerow boundaries and mature native trees, can positively inform new development proposals. Verges along the older lanes are important and under threat from car encroachment, as well as new access points and any further car standing areas. Any proposals which involve the reinforcement of the character and tranquillity of these lanes or which improve user safety and widen non- motorised access choices will be supported. Proposals should also have regard to the NFDC adopted Parking Standards SPD ([link](#)).

5.50 Hampshire County Council and NFDC conducted a consultation on the draft Local Cycling and Walking Infrastructure Plan (LCWIP) ([link](#)) in September-November 2024 and anticipates adopting this in Summer 2025.

## **POLICY LP10: ACTIVE AND HEALTHY TRAVEL**

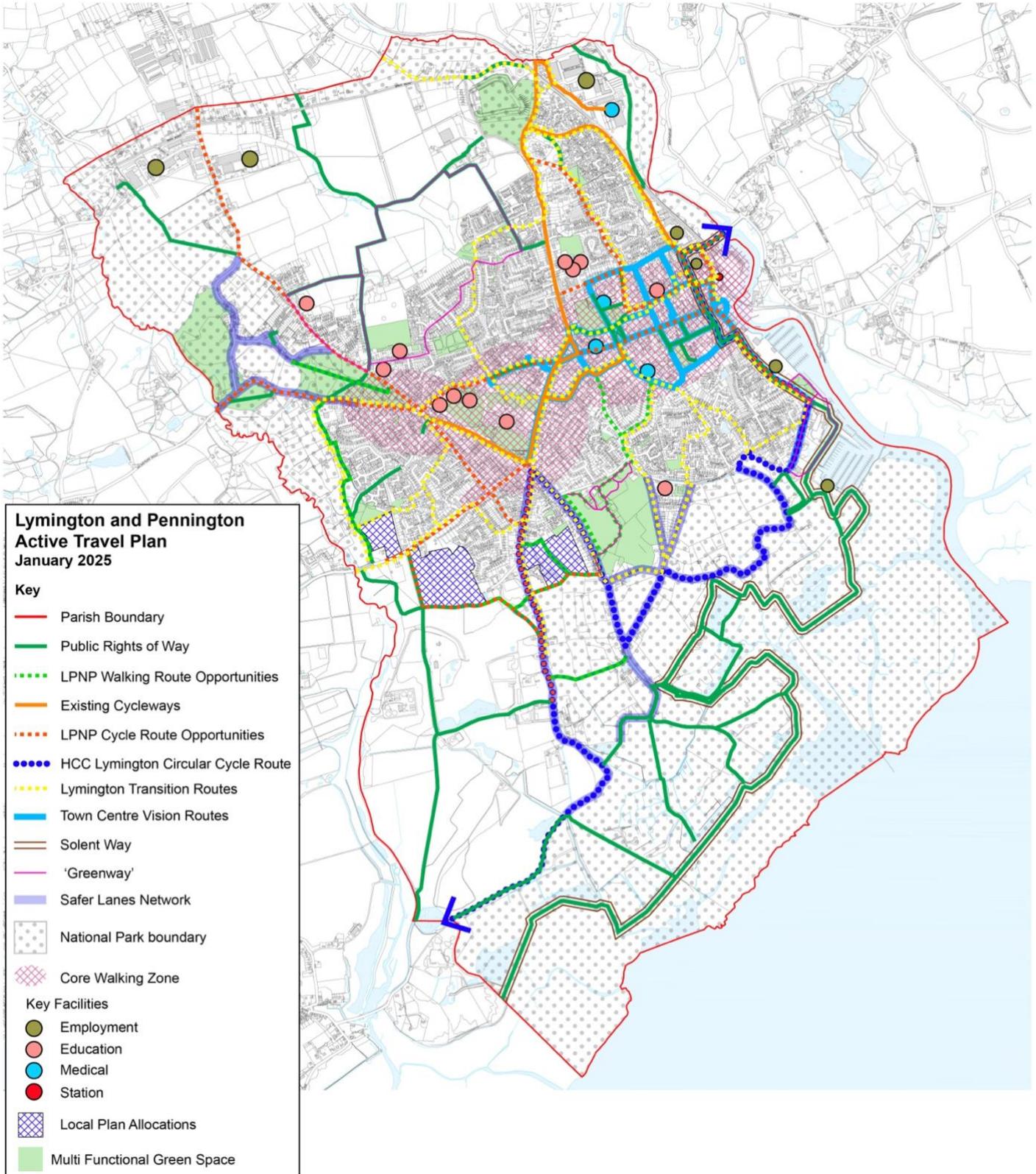
- A. The Neighbourhood Plan identifies the existing Sustainable Travel Network and opportunities for improvements, as shown on the Lymington and Pennington Active Travel Plan, for the purpose of supporting healthy and safe active travel opportunities in the Parish.**
- B. Development proposals on land that lies within or adjacent to the Network should sustain, and where practicable, enhance the functionality of the Network by virtue of their layout and means of access and landscape treatment.**
- C. Proposals that avoid harm to the functioning or connectivity of the Network, or opportunities for improvements to the Network, will be supported.**

5.51 The policy seeks to encourage safe, accessible, convenient and enjoyable means of active travel in the parish which will likely also lead to improvements of the physical and mental wellbeing of users. Active travel refers to modes of travel that involve a level of activity, including walking and cycling, as well as trips made by wheelchair, mobility scooters and adapted cycles. It refines NFDC Local Plan Part 1 Policies CCC1 and CCC2 and NFNPA Local Plan Policies SP54 and SP55 by providing a local element to its provisions. There may also be other opportunities for improvements to the Network which have no spatial consequence, such as wayfinding projects.

5.52 Lymington and Pennington have a good network of links, including the Coastal Path, incorporating part of the Solent Way Trail, and a coastal route stretching 60 miles from

Milford-on-Sea to Emsworth Harbour. The Active Travel Plan shown below shows the location of the existing routes, which allow applicants to determine if their proposals should take this policy into account. The policy requires that all development proposals that lie within or adjacent to the Network to consider how they may improve, or at the very least do not undermine the existing value of the Network, or the opportunities for improvement.

5.53 Where proposals include provision for amenity spaces, landscape, new means of access or new layouts, there may be an opportunity to relate the land better to the Network and/or improve the attractiveness and connectivity of routes. Proposals should therefore consider this in the design of their schemes without undermining other planning policy objectives. In some cases, proposals will enable the creation of new connections and/or the delivery of opportunities for improvement that extend the benefits of the Network. They will be supported provided they are appropriate in other respects. At the very least, the policy requires that proposals that will undermine the existing value of the Network, or opportunities for improvement, will be refused permission.



**Plan J: Active Travel Plan**

## POLICY LP11: NET ZERO CARBON BUILDING DESIGN

- A. All development should be 'zero carbon ready' by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon.
- B. Buildings proposed to be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m<sup>2</sup>/year will not be subject to the provisions of Clause C. Where schemes that maximise their potential to meet this standard by proposing the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the character area within which the proposal is located, this will be supported, provided it can be demonstrated that the scheme will not have a significant harmful effect on the character area.
- C. All planning permissions granted for new and refurbished buildings should demonstrate that they have been tested to ensure the buildings will perform as predicted and will include a planning condition to require the provision of a post occupancy evaluation report to the local planning authority within a specified period, unless exempted by Clause B. Where the report identifies poor energy performance and makes recommendations for reasonable corrective action, the applicant must demonstrate that those actions have been implemented before the condition will be discharged .
- D. All planning applications for major development are also required to be accompanied by a Whole Life-Cycle Carbon Emission Assessment, using a recognised methodology, to demonstrate actions taken to reduce embodied carbon resulting from the construction and use of the building over its entire life.
- E. Climate Change Statement will be submitted to demonstrate compliance with the policy (except for householder applications). The statement will include a passive design capacity assessment to demonstrate how opportunities to reduce the energy use intensity (EUI) of buildings over the plan period have been maximised in accordance with the energy hierarchy. Designers shall evaluate the operational energy use using realistic information on the intended use, occupancy and operation of the building to minimise any performance gap.

5.54 The policy is in five parts, the combination of which is intended to deliver a step change in the energy performance of all new developments in the Parish and, in doing so, encourage and incentivise the use of the Passivhaus or equivalent standard of building design. The policy has been informed by the Ringwood Neighbourhood Plan Policy R11 which has recently been successful at examination.

5.55 Clause A of the policy requires developers to ensure they address the Government's climate change targets and energy performance at the very initial stages of design. 'Zero Carbon Ready' by design means making spatial decisions on layout and orientation of buildings at the outset to maximise the passive design benefits ('free heat') of a site and avoids leaving this to technical choices and assessment at the Building Regulation stage, by which time the opportunity may have been lost. Applicants are directed to the Net-Zero Carbon Toolkit created by Cotswold District Council and two partner councils, WODC and Forest of Dean District Council. The toolkit is available as a resource for private and public sector organisations to use and adopt ([link](#)).

5.56 There is a growing evidence base to suggest that buildings do not perform as well as anticipated at design stage. Findings demonstrate that actual energy consumption in buildings will usually be twice as much as predicted. This passes on expensive running and retrofitting costs to future occupants. Clause C of the policy therefore requires that every building in a consented development scheme of any size is subject to Post-Occupancy Evaluation (POE) including actual metered energy use, and to submit the report to the local planning authority. It will be implemented by attaching a planning condition, which will only be discharged once the report has been submitted and any recommended actions to rectify any performance gap with the design stage assessment are carried out by the developer. There is no current adopted development plan policy which seeks to deal with the performance gap. In the absence of supplementary guidance from NFDC on POE, guidance has been included in Appendix B. Passivhaus certified schemes will not fail in this way and they are therefore exempted from this policy requirement. PassivHaus is the most common and rigorous design approach, although the build cost is slightly higher than normal, the ongoing energy cost to occupiers is a fraction of the cost now (so avoiding fuel poverty).

5.57 To further incentivise the use of Passivhaus, or equivalent standard, Clause B of the policy acknowledges that there may sometimes be a trade-off between its objectives and local design policy. Although meeting these objectives ought not to compromise a scheme fitting in with the character of a local area, on occasions this may be the case. It therefore allows for some degree of flexibility in meeting local design guidance, especially in terms of prevalent building orientation and density.

5.58 Proposals seeking to apply the Passivhaus Planning Package (PHPP) must be able to demonstrate that the Passivhaus standard can be achieved. Prior to commencement a 'pre-construction compliance check' completed by a Passivhaus Designer accredited by the Passive House Institute (PHI) will be required and secured by condition. Upon completion a Quality Approved Passivhaus certificate for each building will be required prior to occupation, again secured by condition.

5.59 Clause D requires all development proposals that are not householder applications to be accompanied by a Whole Life-Cycle Carbon Emissions Assessment, RICS methodology is preferred ([link](#)).The assessment will enable the design team to understand and respond to the lifetime consequences of their design decisions and to design for adaptability, longevity and disassembly; contributing to resource efficiency (Clause A) and contributing to the 'circular economy'. This requirement will be added to the NFDC/NFNPA Council Validation Checklist for outline and full planning applications applying to proposals in the Neighbourhood Plan area until such a time that there is a district-wide requirement.

5.60 Clause E requires the Climate Change Statement for applications already required to be submitted to cover the following:

- an assessment of the proposal to minimise regulated and unregulated emissions, the embodied emissions and the emissions associated with maintenance, repair and replacement of the new building(s), as well as its dismantling, demolition and eventual material disposal
- a calculation of the energy and carbon emissions covered by the Future Homes Standard and Building Regulations and, separately, the energy demand and carbon emissions from any other part of the development that are not covered by the Future Homes Standard or Building Regulations
- the proposal to reduce carbon emissions beyond the Future Homes Standard and Building Regulations through the energy efficient design of the site, buildings and services
- the proposal to further reduce carbon emissions through the use of zero or low emission decentralised energy where feasible
- the proposal to further reduce carbon emissions by maximising opportunities to produce and use renewable energy on-site, utilising storage technologies where appropriate
- the proposal for a demand-side response, specifically through installation of smart meters, minimising peak energy demand and promoting short-term energy storage
- an analysis of the expected cost to occupants associated with the proposed energy strategy

5.61 Every new build or redevelopment project in the Neighbourhood Plan area provides an opportunity to make a difference and a contribution towards meeting our climate change targets for 2050. This new information requirement need not be an unreasonable expectation of even the smallest schemes for new buildings.

# Net Zero Operational Carbon

## Ten key requirements for new buildings

By 2030 all new buildings must operate at net zero to meet our climate change targets. This means that by 2025 all new buildings will need to be designed to meet these targets. This page sets out the approach to operational carbon that will be necessary to deliver zero carbon buildings. For more information about any of these requirements and how to meet them, please refer to the: UKGBC - Net Zero Carbon Buildings Framework; BBP - Design for Performance initiative; RIBA - 2030 Climate Challenge; GHA - Net Zero Housing Project Map; CIBSE - Climate Action Plan; and, LETI - Climate Emergency Design Guide.

### Low energy use

- 1** Total Energy Use Intensity (EUI) - Energy use measured at the meter should be equal to or less than:

  - **35 kWh/m<sup>2</sup>/yr** (GIA) for residential<sup>1</sup>

For non-domestic buildings a minimum DEC B (40) rating should be achieved and/or an EUI equal or less than:

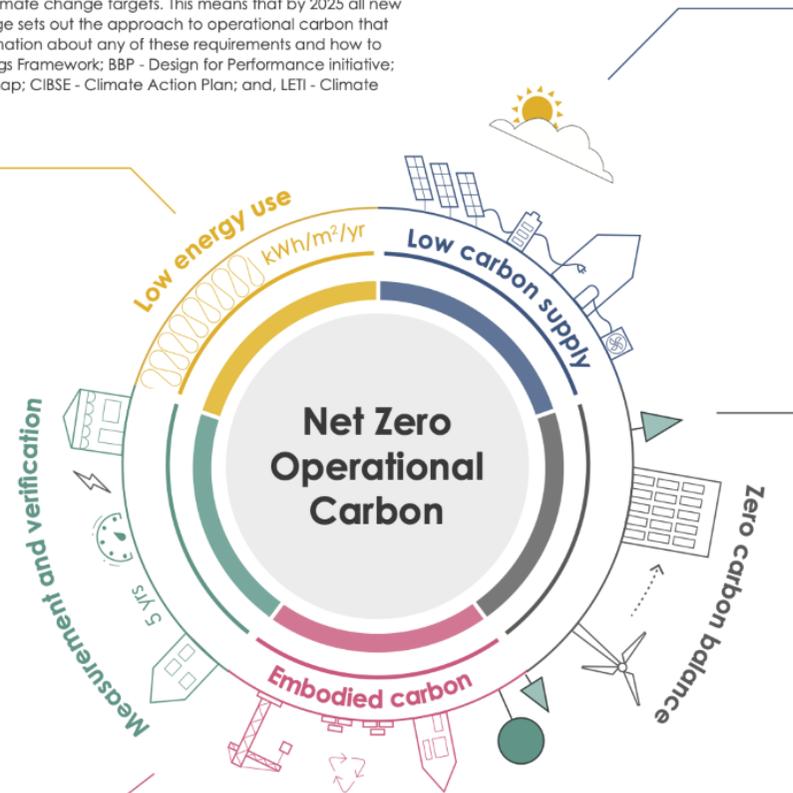
  - **65 kWh/m<sup>2</sup>/yr** (GIA) for schools<sup>1</sup>
  - **70 kWh/m<sup>2</sup>/yr** (NLA) or **55 kWh/m<sup>2</sup>/yr** (GIA) for commercial offices<sup>1,2</sup>
- 2** Building fabric is very important therefore space heating demand should be less than **15 kWh/m<sup>2</sup>/yr** for all building types.

### Measurement and verification

- 3** Annual energy use and renewable energy generation on-site must be reported and independently verified in-use each year for the first 5 years. This can be done on an aggregated and anonymised basis for residential buildings.

### Reducing construction impacts

- 4** Embodied carbon should be assessed, reduced and verified post-construction.<sup>3</sup>



### Low carbon energy supply

- 5** Heating and hot water should not be generated using fossil fuels.
- 6** The average annual carbon content of the heat supplied (gCO<sub>2</sub>/kWh) should be reported.
- 7** On-site renewable electricity should be maximised.
- 8** Energy demand response and storage measures should be incorporated and the building annual peak energy demand should be reported.

### Zero carbon balance

- 9** A carbon balance calculation (on an annual basis) should be undertaken and it should be demonstrated that the building achieves a net zero carbon balance.
- 10** Any energy use not met by on-site renewables should be met by an investment into additional renewable energy capacity off-site OR a minimum 15 year renewable energy power purchase agreement (PPA). A green tariff is not robust enough and does not provide 'additional' renewables.

#### Notes:

**Note 1 - Energy use Intensity (EUI) targets**  
The above targets include all energy uses in the building (regulated and unregulated) as measured at the meter and exclude on-site generation. They have been derived from: predicted energy use modelling for best practice; a review of the best performing buildings in the UK; and a preliminary assessment of the renewable energy supply for UK buildings. They are likely to be revised as more knowledge is available in these three fields. As heating and hot water is not generated by fossil fuels, this assumes an all electric building until other zero carbon fuels exist. (kWh targets are the same as kWh<sub>net,elec</sub>). Once other zero carbon heating fuels are available this metric will be adapted.

**Note 2 - Commercial offices**  
With a typical net to gross ratio, 70 kWh/m<sup>2</sup> NLA/yr is equivalent to 55 kWh/m<sup>2</sup> GIA/yr. Building owners and developers are recommended to target a base building rating of 6 stars using the BBP's Design for Performance process based on NABERS.

**Note 3 - Whole life carbon**  
It is recognised that operational emissions represent only one aspect of net zero carbon in new buildings. Reducing whole life carbon is crucial and will be covered in separate guidance.

**Note 4 - Adaptation to climate change**  
Net zero carbon buildings should also be adapted to climate change. It is essential that the risk of overheating is managed and that cooling is minimised.

Developed in collaboration with:



Developed with the support of:



## POLICY LP12: URBAN GREENING AND CANOPY COVER

- A. Development proposals on sites of 0.5 ha or more outside the Lymington Town Centre boundary, as shown on the Policies Map, should achieve a future canopy cover of at least 25% of the site area principally through the retention of existing trees and the planting of new trees. Where such an approach would be impracticable for viability, layout or design reasons, the use of other green infrastructure (such as green roofs and walls) should be used where they can offer similar benefits to trees.**
  
- B. Development proposals in the Lymington Town Centre Boundary, and on sites of less than 0.5 ha, should maximise the opportunities available for canopy cover, including tree retention and planting or the provision of other green infrastructure (such as green roofs and walls).**

5.62 The i-Tree Canopy tool was created by Forest Research as part of a baseline study The Canopy Cover of England's Towns and Cities: baselining and setting targets to improve human health and well-being (Trees People and the Built Environment 3, 2017). Forest Research is currently undertaking a mapping exercise to build an urban canopy cover map of the UK. It indicates that the majority of the built-up area of Lymington and Pennington currently has <15-20% of canopy cover.

5.63 Canopy cover is the layer of leaves, branches and tree stems that cover the ground. Trees help mitigate the environmental and social challenges our built-up areas, especially our Town Centre, face in a quantifiable way. This is supported by the Government's NetZero Strategy: Build Back Greener October 2021 which recognises the role of green and blue infrastructure, including trees, in providing an opportunity to benefit local economies and bring about long-term improvements in people's health and wellbeing. The policy therefore draws inspiration from others, like Wycombe District Council and Cornwall Council who are operating planning policies which require new development (excluding householder applications) to achieve a quantifiable future canopy cover, with many others in the process of developing this type of policy. The London Plan operates a similar approach with its Urban Greening Factor.

5.64 The policy refines NFDC Local Plan Part Two Policy DM9 which seeks to minimise the loss of green features on sites. Doick et al suggests that "towns and cities with at least 20% cover should set targets to increase cover by at least 5% within ten to twenty years" and given that Lymington and Pennington's canopy cover is below this recommended baseline the policy requires new development to achieve a minimum of 25% canopy cover of the site area to start to bring Lymington and Pennington's canopy cover in line with this baseline (Trees People and the Built Environment 3, 2017). In doing so, a wide range of benefits are expected including storing carbon, reducing the urban heat island effect and improving air quality. The policy has been designed to be applied in a flexible way. In specific terms it acknowledges that issues such as commercial viability, site layouts and

design may make the expectations of the policy impracticable on a site by-site basis. This will be a matter for NFDC/NFNPA to consider based in the evidence provided with each development proposal. In addition, matters such as site layout and commercial viability may also be affected where development proposals would also need to provide open space and landscaping to meet other policies.

5.65 As NFDC/NFNPA does not currently have guidance for applicants to calculate canopy cover, the adopted Wycombe Tree Canopy Cover Supplementary Planning Document (SPD) provides a Canopy Cover calculator, developed in partnership with Treeconomics Forest Research and Wycombe District Council ([link](#)). This guidance will assist applicants in calculating how their proposed scheme should seek to meet the requirements of the policy, until such a time that NFDC/NFNPA adopts its own guidance.

## **POLICY LP13: DIGITAL COMMUNICATION INFRASTRUCTURE**

**A. Proposals are required to be sensitively located and designed in order to avoid or minimise potential harm to designated heritage assets or adverse effects to the special landscape and scenic beauty of the National Park. The public benefit of improving access to digital communication infrastructure in the area will carry significant weight in the planning balance of proposals that may cause harm to designated heritage assets or to the special landscape and scenic beauty of the National Park.**

5.66 This policy seeks to encourage the provision of new digital communications infrastructure that will drive technological advancements necessary to support new businesses and homes. This infrastructure includes the installation of new transmitters, antennas, junction boxes and satellite dishes. Creative industries, office space and commerce rely on high speed, reliable connectivity but this is difficult in rural areas. It is acknowledged that many such works may be permitted development but where they are not then the policy requires that significant weight is attached to the public benefit of having access to this infrastructure when weighed against any harm to heritage and landscape in the planning balance of each proposal. To clarify, the policy is not encouraging harm to heritage assets or to the special landscape and scenic beauty of the National Park. The level of harm to these important assets will still need to be identified and weighed against the proposal. The policy is simply making it clear that the benefit of having access to digital communication infrastructure should carry significant weight in considering whether benefits outweigh the harm identified.

## 6. IMPLEMENTATION & MONITORING

6.1 The policies of the Neighbourhood Plan will be implemented through the determination of planning applications by the respective Local Planning Authorities consideration and determination of planning applications for development in the designated neighbourhood area.

### DEVELOPMENT MANAGEMENT

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6.2 The Town Council will use a combination of the Local Plans and this Neighbourhood Plan policies to inform and frame its representations on submitted planning applications. The Parish Council is a statutory consultee on planning applications made in the parish and it will be made aware of any future planning applications or alterations to those applications by the relevant planning authority. It will seek to ensure that the Neighbourhood Plan policies have been identified and applied correctly by applicants and by officers in their decision reports.

6.3 Where necessary, the Town Council may seek to persuade the Secretary of State to call-in a planning application that it considers is in conflict with the Neighbourhood Plan but which the planning authority has deemed to consent. Similarly, it may also seek to persuade the Secretary of State to recover an appeal of a refused application, where the conflict with one or more Neighbourhood Plan policies has been important in the reasons for refusal. In both cases, the Town Council will do so if it considers matters of national policy significance (for neighbourhood planning) are raised.

### LOCAL INFRASTRUCTURE IMPROVEMENTS

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6.4 The Town Council propose that the priorities for investment of future Community Infrastructure Levy, and/or S106 funding received by the local planning authority are:

- **High Street** - To make the High Street more accessible and encourage people to spend more time on the High Street by improving the High Street environment, linkages and wayfinding.
- **Captains Row** – Due to the slope of the High Street and Quay Hill, some better crossover points with dropped kerbs and a different crossover section at the critical points is advocated. An example of this could be embedded cobles or pavers across Captains Row at the highest volume crossover point.
- **Grove Gardens** - With a few low key interventions, the open space at Grove Gardens has the potential to be used as a town Park, a green space that is easily accessible to the High Street.
- **The Waterfront, focusing on the Quay** - The River front and quay need a simple public space at the northern end to improve the link to the High Street and provide a focus and destination around the Quay Road/Quay Street/slipway area.
- **The Station** - The station is detached from the High Street and the Waterfront and is an uninviting pedestrian environment. Improvements are needed to create a more welcoming gateway to Lymington town centre and improve its status as a transport hub.
- **Lymington Town Hall** - Given its location and relationship to the Lymington Sports Ground and other amenities, the redevelopment of the Lymington Town Hall site, either in whole or part, provides an opportunity to improve the town centre.

- **Priestlands Gyratory** - Although the Priestlands Place/Stanford Road gyratory has an important traffic management function it is also a gateway to the town centre from the north and the west. Consideration should be given to how it functions as an entrance to the town centre and the potential for improving connectivity.
- **The New Street Community/Cultural area** - The area around New Street has been recommended by the neighbourhood plan Design and Heritage group to become a 'Cultural zone'. It includes the Lymington Centre, St Barbe Museum, and the now largely unused Literary Institute.
- **Woodside Park, Avenue Road Sports Ground and Pennington Sports Ground**
- **The Sea Water Baths** – Connected to the cycle network by Transition Lymington Route 10.
- **Transition Lymington cycle routes** – Four of the Transition Lymington suggested cycle routes run close to Pennington Common, making it a potentially accessible destination within 10-15 minutes from all parts of the town by bike. There may be opportunities to improve signage as well as cycling infrastructure such as secure bike racks close by. On some routes the changes needed to deliver them require not much more than gathering travel survey data and a safety audit of junctions.
- **Communication technology** – Improvements to the infrastructure supporting broadband and 5G connectivity.
- **LCWIP** – Improvements to schemes that will be identified in the New Forest Local Cycling and Walking Infrastructure Plan.

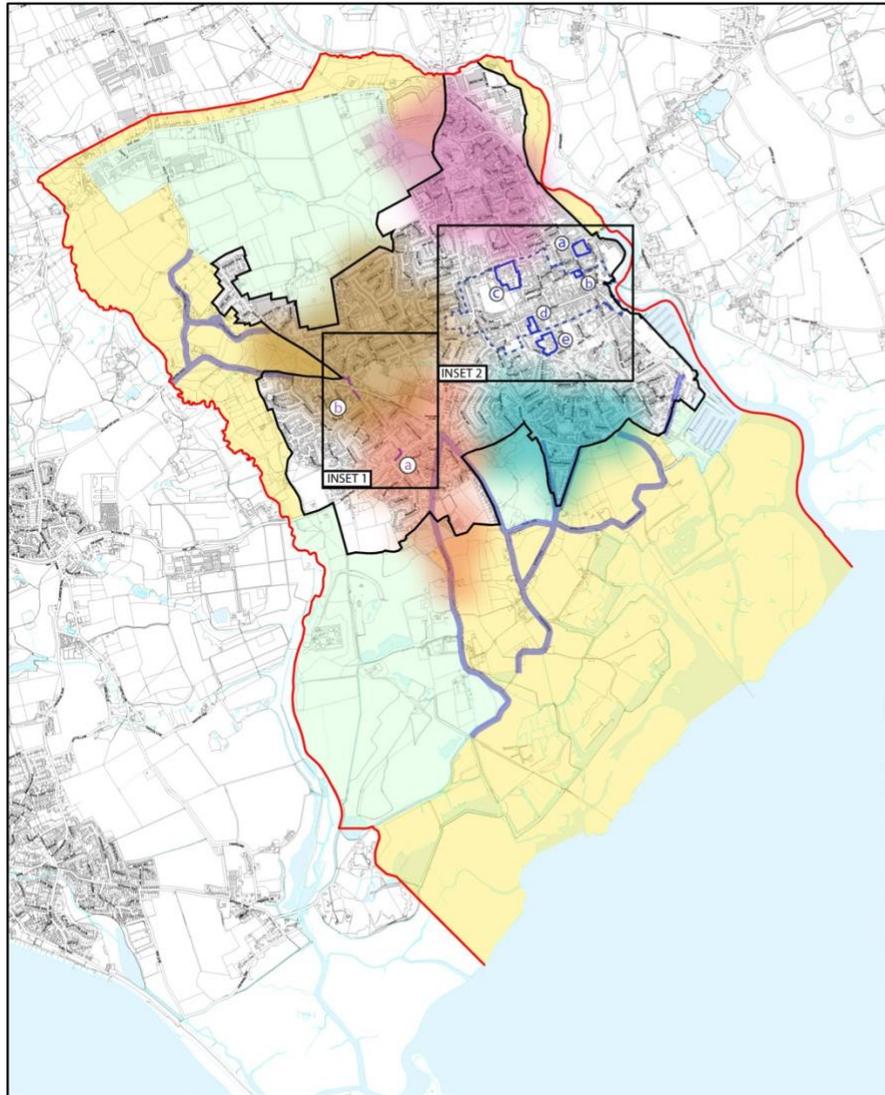
#### OTHER NON-PLANNING MATTERS

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6.5 During the process of preparing the Neighbourhood Plan, there have been many ideas for improving or addressing current problems in the parish that lie outside the scope of the land use planning system to control. The Town Council has noted these issues and will take them forward through its day-to-day business and in partnership with the local community and relevant parties. These include:

- Other public realm improvement projects including repair of pavements along Bath Road, the area outside the old Post Office and repairs to the Town Quay
- Nature Recovery and Biodiversity Net Gain improvements
- Active travel improvements for non-car users, including walking and cycling routes, pedestrian and cycle friendly zones and Safe Routes to Schools
- Improvements to green the urban environment and street scene through tree planting and wildflower and bulb planting on public and private land including roadside verges
- Reducing mowing regimes to promote biodiversity
- Community activities for younger people
- Community bus
- A continued relationship with NFDC, HCC and local businesses to enhance general maintenance of the town
- Investigating measures to enhance road safety, including 20mph speed limits around schools
- Reviewing parking provision, wayfinding and travelling in, and to, the town

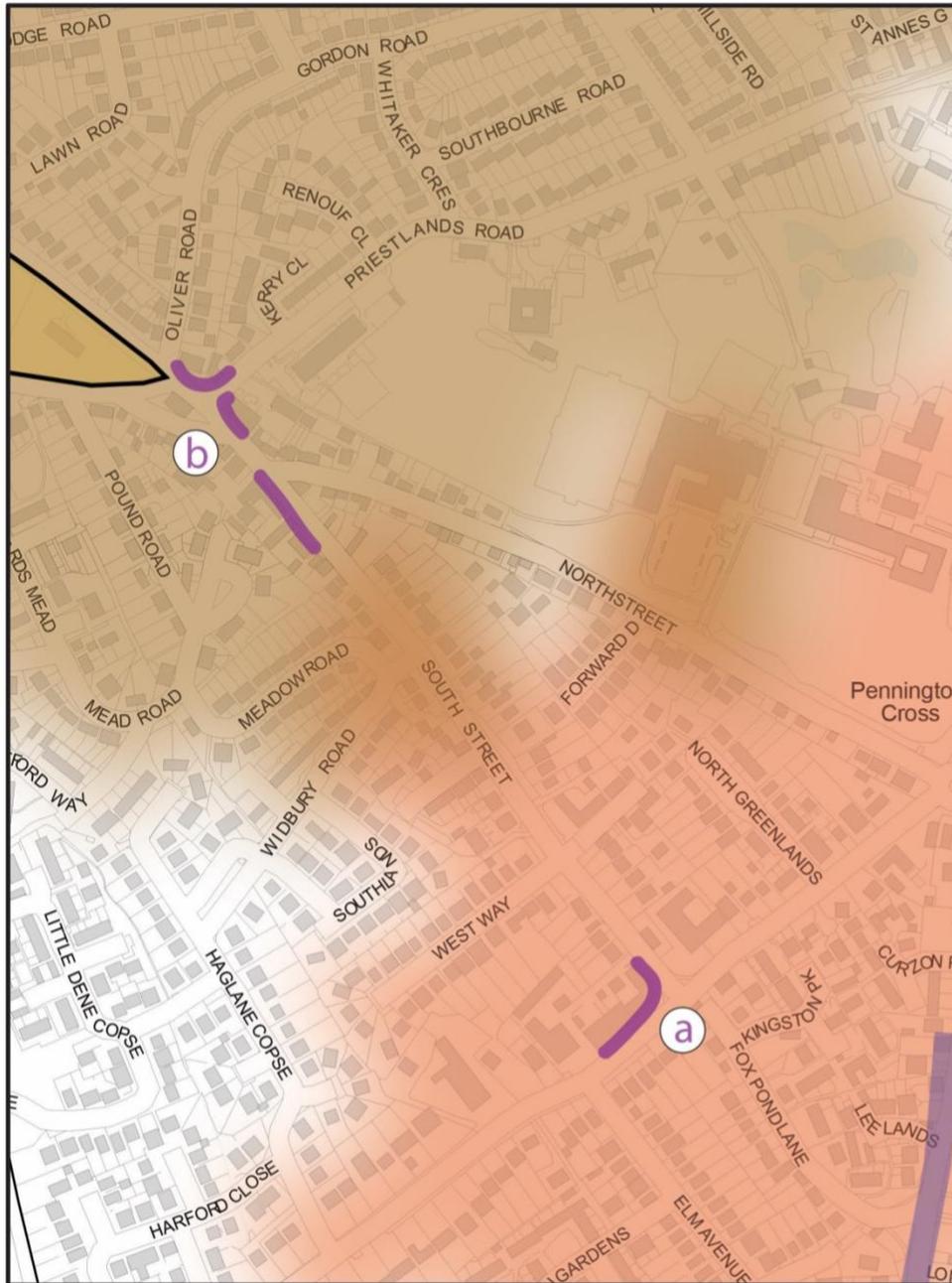
# POLICIES MAPS & INSETS



## Lymington Neighbourhood Plan Policies Map - January 2025

-  Neighbourhood Area Boundary
  
- LP1: A Spatial Strategy for the Town**
-  Settlement Boundary
-  Town Centre
-  National Park
-  Green Belt
  
- LP3: Key Regeneration Sites**
- a. Bridge Road
- b. Gosport/Cannon Street
- c. Town Hall, Avenue Road
- d. Post Office and BT Site
- e. Solent Mead
  
- LP4: Pennington Shopping Parades**
- a. Fox Pond Shopping Parade
- b. Pennington Square Shopping Parade
  
- LP5: Walkable Neighbourhoods**
-  Buckland
-  Woodside
-  Lower Pennington
-  Upper Pennington
  
- LP9: Safer Lanes Network**
-  Safer Lanes Network

# Lymington Neighbourhood Plan Policies Map (Inset 1) - January 2025



## LP1: A Spatial Strategy for the Town

 Settlement Boundary

 National Park

## LP4: Pennington Shopping Parades

 a. Fox Pond Shopping Parade  
 b. Pennington Square Shopping Parade

## LP5: Walkable Neighbourhoods

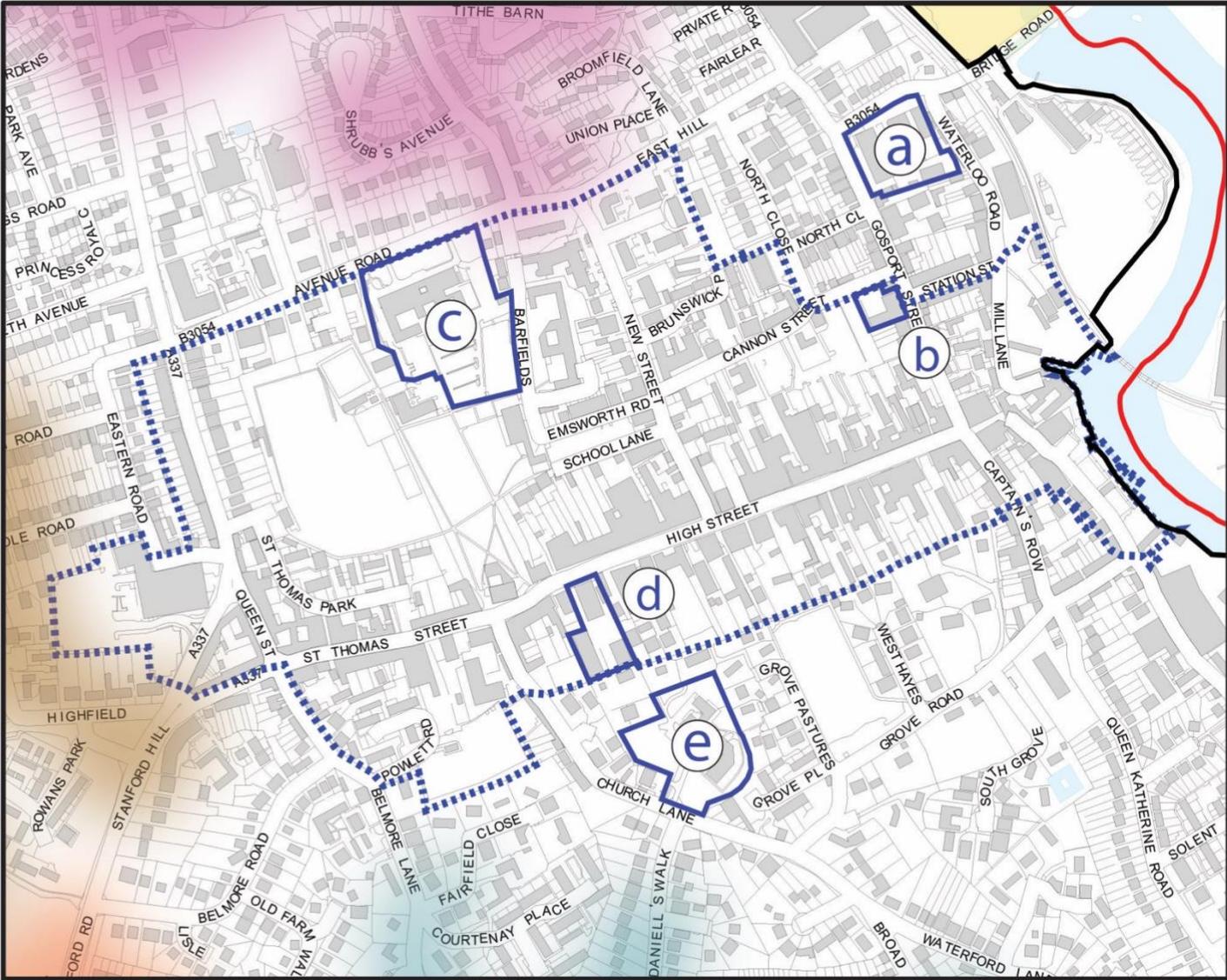
 Lower Pennington

 Upper Pennington

## LP9: Safer Lanes Network

 Safer Lanes Network

# Lymington Neighbourhood Plan Policies Map (Inset 2) - January 2025



 Neighbourhood Area Boundary

**LP1: A Spatial Strategy for the Town**

 Settlement Boundary

 Town Centre

 National Park

**LP3: Key Regeneration Sites**

-  a. Bridge Road
-  b. Gosport/Cannon Street
-  c. Town Hall, Avenue Road
-  d. Post Office and BT Site
-  e. Solent Mead

**LP5: Walkable Neighbourhoods**

 Buckland

 Woodside

 Lower Pennington

 Upper Pennington

## APPENDIX A – LYMINGTON TOWN CENTRE VISION

## APPENDIX B – POST OCCUPANCY EVALUATION GUIDANCE

This guidance note sets out how Post-Occupancy Evaluation (POE) should be undertaken and is derived from published guidance and best practice.

1. Post-Occupancy Evaluation (POE) is the method of obtaining feedback on a building's energy performance 'in use', to ensure it measures up to the commitments made by the team that designed and built it. It offers significant potential to address the performance gap and occupant satisfaction.
2. Where a monitoring regime to ensure the 'as designed' building performance targets are achieved in practice for all new and refurbished buildings is required, it is important that data is collected robustly, following good practice POE principles. It is therefore recommended that for residential development the POE methodology in section 11.4 of the Home Quality Mark ONE: Technical Manual: England, Scotland & Wales SD239 (2018)58, or as updated, is used as a guide for meeting this requirement. For non-residential buildings the BSRIA Soft Landings and Design for Performance framework (BG 76/2019), or as updated, may be used.
3. Applicants are required to set out in their Energy Statement how their monitoring regime, based on the HQM, BSRIA or similar methodology, will work in practice and be independently verified by a third party. The Energy Statement to be submitted with the planning application.
4. As each new or refurbished building comes into use, the developer must ensure performance monitoring and data collection for all relevant parameters for one whole year is carried out once the building is substantially occupied, in line with good POE practice for residential or non-residential uses. This verification process should entail, after appropriate commissioning has taken place, comparison of the 'as designed' parameters (energy, carbon, air quality and overheating risk) to monitoring data under the same categories, to assess and compare actual performance.
5. In order to account for seasonality, a minimum of 12 months monitoring data is required. On the other hand, to account for actual weather, the modelling results can be adjusted with degree days for the relevant year. A 'performance gap metric', which will compare designed and actual performance (e.g. a percentage difference) for each of the 4 required parameters (energy, carbon, air quality and overheating risk) should be issued at POE stage. This needs to be issued for both the 'central' scenario and the 'lowest acceptable performance /reasonable worst-case scenario' as a minimum, with multiple scenarios considered if at all possible. The process and reporting methodology used for the POE will need to be repeatable, so that performance can be monitored for at least 2 annual space heating cycles.
6. A report will then be required to be submitted to both building owners/occupiers and to Council, which states the performance gap metric and identifies any reasons for deviation from predicted energy usage, carbon emissions, indoor air quality and overheating performance, as well as recommendations for reasonable corrective action that will be taken to reduce or eliminate the performance gap.

7. The submission of the monitoring report to owners/occupiers and the council must be secured by planning condition, to be determined at the time of application based on case-specific factors. The applicant must demonstrate that the reasonable corrective actions committed to in the monitoring report, and subsequently agreed by Buckinghamshire Council, have been implemented through another annual heat cycle before the condition will be discharged.



# Lymington and Pennington Neighbourhood Plan

Decision Statement

October 2025

## Contents

Introduction.....	3
Background .....	3
Decision .....	4
Table 1 – Modifications .....	5
Table 2 – Additional minor amendments .....	9

## Introduction

- 1.1. New Forest District Council has a statutory duty to assist local communities in the preparation of neighbourhood plans. 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 Lymington and Pennington Neighbourhood Plan was submitted for independent Examination on 13<sup>th</sup> June 2025 and the Examiner's Report was issued on 25<sup>th</sup> September 2025. 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 by the district council and the draft Lymington and Pennington Neighbourhood Plan has been modified as a result. Therefore the Plan may now proceed to referendum.

## Background

- 1.4. The Lymington and Pennington Neighbourhood Plan relates to the area that was designated by New Forest District Council and New Forest National Park Authority in October 2015. This 'Neighbourhood Area' corresponds with the Lymington and Pennington Parish boundary and includes land within the administration of both New Forest District Council and New Forest National Park Authority as local planning authorities.
- 1.5. Following the submission of the draft Lymington and Pennington Neighbourhood 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 May 2025.

- 1.6. Mr Andrew Mead BSc (Hons) MRTPI MIQ was appointed by New Forest District Council and New Forest National Park Authority – with the agreement of Lymington and Pennington Town Council - to undertake the examination of the draft Neighbourhood Plan and to prepare a report of the independent examination.
- 1.7. The Examiner’s report concluded that subject to the modifications set out in Table 1 below, the draft Neighbourhood Plan meets the basic conditions. The Examiner recommended that the Plan, once modified, should proceed to Referendum on the basis that it 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.

## Decision

- 1.8. 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.
- 1.9. New Forest District Council, New Forest National Park Authority and Lymington and Pennington Town Council have considered each of the recommendations made in the Examiner’s report. Ultimately it is the responsibility of the local 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 reference	Examiner’s recommended modification	Examiner’s Justification	New Forest District Council Decision
PM1 (Policy LP2)	<p>Amend Clause C by the addition of:</p> <p><b>“... Town Centre Vision, provided the contributions make the proposals acceptable in planning terms and are directly related to the development.”</b></p>	<p>Ensures compliance with national guidance on planning obligations and aligns with strategic policies.</p>	<p>Accept modification. Strengthens the policy and ensures alignment with national policy.</p>
PM2 (Policy LP3)	<p>Amend the final paragraph to:</p> <p><b>“For the avoidance of doubt, strategic policy requirements of Bird Aware Solent, the Mitigation for Recreational Impacts on New Forest European Sites SPD, NFDC air quality monitoring and nutrient neutrality will continue to apply.”</b></p> <p>Amend the boundary for site e) on the Policies Map (Inset 2) to match the Hampshire County Council ownership as shown on the map submitted at paragraph 1.11 of the NFDC response to examiner’s questions dated 18 July 2025.</p> <p>Rephrase the final sentence of paragraph 5.11 of the Plan to:</p> <p><b>“The Solent Mead site is in split ownership between Hampshire County Council (HCC) and NFDC. A decision was made by HCC in 2025 to close its part of the site and it is therefore likely that that part of the site will become available for development during the Plan period. The NFDC housing on the site will remain.”</b></p>	<p>Enhances clarity and ensures alignment with habitat mitigation requirements and air quality monitoring, supporting sustainable development.</p>	<p>Accept modification. For improved clarity and accuracy.</p>

Report reference	Examiner’s recommended modification	Examiner’s Justification	New Forest District Council Decision
<p>PM3 (Policy LP4)</p>	<p>Amend paragraph 5.15 of the Plan by the inclusion of the following third sentence:</p> <p><b>“This approach aims to ensure that residents can access day to day services and amenities, for example, convenience shops, education and healthcare facilities.”</b></p> <p>Amend paragraph 5.17 of the Plan by the inclusion of a new penultimate sentence:</p> <p><b>“Uses which are considered to meet day-to-day needs include Class E(a) convenience food retail for up to a total of 500 sq.m of net internal retail floorspace, Class E(b) café, Class E(d) indoor sport and recreation, Class E(e) medical services, Class E(f) day centre or nursery, Class F1 learning and non-residential institution; and/or a Class F2 local community use of an appropriate scale.”</b></p>	<p>Improves clarity for development management and aligns with national and local retail policies.</p>	<p>Accept modification. Strengthens the policy and ensures alignment with national policy.</p>
<p>PM4 (Policy LP5)</p>	<p>Amend Clause C to:</p> <p><b>“Proposals including uses which are intended to meet the local communities’ day to day needs may be delivered as ground floor units in a scheme with housing on upper floors …”.</b></p> <p>Amend the second sentence of Clause D to:</p> <p><b>“Within this context, clustering of uses intended to meet day-to-day community needs in each broad location is preferred.”</b></p>	<p>Enhances clarity and legal precision, ensuring the policy is usable and enforceable.</p>	<p>Accept modification. For improved clarity and accuracy.</p>

Report reference	Examiner’s recommended modification	Examiner’s Justification	New Forest District Council Decision
	<p>Amend Clause E to:</p> <p><b>“Proposals including uses which are intended to meet the local communities’ day-to-day needs must demonstrate that the site is located and accessible by walking, ...”.</b></p> <p>Amend Clause F to:</p> <p><b>“Proposals to change the use of land or premises in a walkable community from a use which contributes to meeting the local communities’ day-to-day needs to another use will not be supported.”</b></p>	<p>Enhances clarity and legal precision, ensuring the policy is usable and enforceable.</p>	<p>Accept modification. For improved clarity and accuracy.</p>
<p>PM5 (Policy LP6 - Paragraph 5.20)</p>	<p>Delete the final sentence and substitute:</p> <p><b>“LTC will seek to work with NFDC and local community groups in the preparation of a District wide Design Code which is intended to retain the emphasis on local distinctiveness. The Code will be consulted upon as part of a separate process in due course.”</b></p>	<p>Aligns with national policy which treats SPDs as material considerations, not Development Plan documents.</p>	<p>Accept modification. For improved accuracy.</p>
<p>PM6 (Policy LP7)</p>	<p>Add the following phrase to the end of Clause B:</p> <p><b>“... taking into account the viability of the scheme.”</b></p>	<p>Addresses concerns about deliverability and aligns with strategic housing policies.</p>	<p>Accept modification. Strengthens the policy and ensures alignment with national policy.</p>

Report reference	Examiner’s recommended modification	Examiner’s Justification	New Forest District Council Decision
PM7 (Policy LP8)	Amend Clause C to: <b>“All appropriate development should embed Green Infrastructure ...”</b>	Makes the policy more realistic and implementable while supporting nature recovery.	Accept modification. Provides clarity
PM8 (Policy LP11)	Amend Clause A to: <b>“All development (except for householder development) should be “zero carbon ready” ...”.</b>  Amend Clause B to: <b>“Where feasible, buildings should aim to be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m2/year.”</b>  Amend Clause C to: <b>“All planning applications for new or refurbished buildings should include a demonstration to show that their energy efficiency has been tested to ensure that the buildings will perform as predicted at the design stage.”</b>	Post Occupancy Evaluation could affect viability and is difficult to enforce via planning conditions. Modifications ensure the policy remains effective and legally sound.	Accept modification. Strengthens the policy and ensures alignment with national policy.

1.10. New Forest District Council, the National Park Authority and Lymington and Pennington Town Council have also identified further minor amendments (in addition to the modifications recommended in the Examiner’s Report). Neither of these affect the ‘Basic Condition’ assessment and are factual updates or minor clarifications to help the accuracy of the document. For clarity this ‘Decision Statement’ provides these amendments (as set out in Table 2 below).

Table 2 – Additional minor amendments

Neighbourhood Plan section	Commentary	New Forest District Council Decision
<p>Policy LP3 – Amend examiners modification (PM2) to include the National Park mitigation strategy:</p> <p>“For the avoidance of doubt, strategic policy requirements of Bird Aware Solent, the Mitigation for Recreational Impacts on New Forest European Sites SPD <b>in New Forest District, the revised New Forest Habitats Mitigation Scheme SPD in the National Park area</b>, NFDC air quality monitoring and nutrient neutrality will continue to apply.”</p>	<p>The HRA recommended that the policy includes references to the strategic requirements of Bird Aware Solent, the Mitigation for Recreational Impacts on New Forest European Sites SPD and nutrient neutrality which was incorporated into the final sentence of the Submission plan. NFDC asked that a reference is made to air quality monitoring too, and the examiner recommended this (PM2). However, during its 8 October 2025 meeting to agree the examiner modifications, it was noted that for the sake of completeness and accuracy there should also be a reference to the mitigation strategy that addresses development in the parts of the parish that are within the National Park.</p>	<p>Factual updates required to reflect the mitigation scheme in the NPA area.</p>
<p>Policy LP6 (Paragraph 5.20) – Amend examiners modification (PM5) to the correct acronym:</p> <p>Delete the final sentence and substitute:</p>	<p>The examiners modification is accepted, however the acronym that he has used (LTC) is not factually correct and omits the Pennington element: an amendment is made to the proposed modification to reflect the full name of the parish council.</p>	<p>Factual update required to improve accuracy.</p>

<p>"<b>LTC (LPTC)</b> will seek to work with NFDC and local community groups in the preparation of a District wide Design Code which is intended to retain the emphasis on local distinctiveness. The Code will be consulted upon as part of a separate process in due course."</p> <p>Inset acronym into paragraph 1.1 to provide the explanation for what LPTC stands for:</p> <p>"Lymington and Pennington Town Council (<b>LPTC</b>) is preparing a Neighbourhood Plan..."</p>		
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