

Cabinet – 18 February 2026

Lymington and Pennington Neighbourhood Plan – Making the Plan (Referendum and Decision on Adoption)

Purpose	For Decision
Classification	Public
Executive Summary	<p>This paper seeks approval for the Lymington and Pennington Neighbourhood Plan to be 'made' (adopted) for New Forest District (Outside the National Park). The public referendum took place on 29 January 2026 and 92.5% of recorded votes answered 'yes'. Turnout was 17.1%. As the majority of those voted (i.e. over 50%) are in favour of the draft Neighbourhood Plan, then the Plan should be 'made' (adopted) by both the New Forest District Council (NFDC) and the New Forest National Park Authority (NFNPA) within 8 weeks of the referendum date. This will enable the Plan to become part of the statutory Development Plan, guiding future planning decisions.</p>
Recommendations	<p>That Cabinet recommends that the Council:</p> <ol style="list-style-type: none">1. Notes the outcome of the referendum of 29 January 2026; and2. Agrees that the Lymington and Pennington Neighbourhood Plan be 'made' (adopted) as part of the Development Plan for New Forest District (Outside the National Park).
Reasons for recommendation	<p>To move forward to the adoption of the Lymington and Pennington Neighbourhood Plan and for it to become part of the statutory Development Plan.</p>
Ward(s)	Lymington, Pennington
Portfolio Holder(s)	Councillor Derek Tipp – Portfolio Holder for Planning and Economy

Strategic Director(s)	Tracey Coleman – Interim Strategic Director for Place, Operations and Sustainability
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Introduction

1. The purpose of this report is to consider whether the Lymington and Pennington Neighbourhood Plan should be made part of the Development Plan for New Forest District (i.e. adopted) following the outcome of the referendum held on 29 January 2026. The formal making of a neighbourhood plan (Regulation 18 Final Version - May 2024) is provided for under the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Town and Country Planning Act 1990 (as amended).
2. The version of the Plan subject to this report can be found in Appendix 1.
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.

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 district 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

9. 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.
10. The findings of the Examiner, as set out in their independent Examiner's Report, was received in September 2025. Where necessary the Examiner recommended modifications to the Plan in order that it meets the basic conditions and other legal requirements. The Examiner's Report can be found in Appendix 2.
11. 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.

12. NFDC, NPA and the Lymington and Pennington Town Council met in October 2025 to discuss the Examiner's proposed modifications and there was shared agreement that the Examiner's proposed modifications to the plan were appropriate.

Referendum and the making of the Neighbourhood Plan

13. Approval of the Neighbourhood Development Plan (with modifications) and the decision to proceed to referendum was made at Cabinet on 3 December 2025 and Council on 15 December 2025. The Council's Decision Statement can be found in Appendix 3.
14. The required notices regarding the date of the referendum and how people could vote were subsequently published on 19 December 2025.
15. The referendum took place on 29 January 2026 and officers can confirm that 92.5% of votes recorded answered 'YES' to the question: 'Do you want New Forest District Council and New Forest National Park Authority to use the Neighbourhood Plan for Lymington and Pennington to help it decide planning applications in the Neighbourhood Area?'. The turnout was 17.1%.
16. As the majority of those who voted (i.e. over 50%) are in favour of the draft Neighbourhood Plan, then the Plan should be 'made' (adopted) by both New Forest District Council (NFDC) and the New Forest National Park Authority (NFNPA) within 8 weeks of the referendum date.
17. The only circumstance where the district council should not make this decision is where the making of the plan would breach, or would otherwise be incompatible with, the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and the UK Human Rights Act 1998, including equality implications. The Examiner considered this matter independently and found no evidence that the Plan breaches these human rights. The District Council concurs with that position.
18. Upon formal adoption the Neighbourhood Plan becomes legally part of the statutory Development Plan for the determination of planning applications.

Financial and resource implications

19. The district 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.

20. 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.
21. 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 temporary resource to help facilitate this is in place.

Legal implications

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

Risk assessment

23. 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.
24. 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 their conclusions and recommendations are considered reasonable and logical. Officers do not see any justification for departing from the Examiner's recommendations.

Environmental / Climate and nature implications

25. 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

26. 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

27. 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

28. 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

29. 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.
30. 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 and/or compatible with the Park's special qualities.

Appendices:

Appendix 1: Lymington and Pennington Neighbourhood Plan
Appendix 2: Examiner Report
Appendix 3: NFDC Decision Statement

Background Papers:

None.