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# **Report on the Parish of New Milton 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 New Milton  
Town Council on the May 2019 submission version of the Plan.**

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Date of Report: 19 December 2019

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## **Main Findings** - Executive Summary

From my examination of the New Milton Neighbourhood Plan (the Plan/NMNP) 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 – New Milton Town Council;
- The Plan has been prepared for an area properly designated – the designated area as shown on Plan A in the NMNP (page 10);
- The Plan specifies the period to 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**

### *New Milton Neighbourhood Plan 2016-2036*

- 1.1 The Parish of New Milton (which lies within the administrative areas of New Forest District Council (NFDC) and, to the north, the New Forest National Park Authority (NFNPA)) displays a range of characteristics. These include the fringe of the National Park to the north; the vibrant retail and commercial town centre of New Milton; and the attractive open cliff tops at Barton-on-Sea. There is a range of housing types, but I saw a high proportion of bungalows, particularly in Barton-on-Sea, and the NMNP confirms that in terms of the demographic profile of the town there is a higher proportion of people aged over 65 than is the norm.
- 1.2 The Old Milton Green Conservation Area covers the original focus of activity in the locality but, with the coming of the railway in 1888, that focus started to change and today it is now primarily based on Station Road. When I visited the town centre it was busy, with the market in full flow. There appear to be a wide range of amenities in the Parish, including sports facilities, a community centre, schools and of course the proximity of the New Forest provides opportunities for many outdoor activities.

- 1.3 Initial work on the preparation of the NMNP began in November 2014. A Working Group was set up and a wide range of consultation events were undertaken. The submitted NMNP represents several years of detailed work and is based on a clear vision and set of objectives.

#### *The Independent Examiner*

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the NMNP by NFDC and NFNPA, with the agreement of New Milton Town Council (NMTC).
- 1.5 I am a chartered town planner and former government Planning Inspector, with extensive experience in the preparation and examination of Development Plans and other planning documents. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

#### *The Scope of the Examination*

- 1.6 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.
- 1.7 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';
- 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; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.8 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*

1.9 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; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 and Schedule 2 to the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations').<sup>1</sup>

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<sup>1</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.

## 2. Approach to the Examination

### *Planning Policy Context*

- 2.1 The area covered by the NMNP falls partly within the New Forest District and partly within the New Forest National Park. Consequently, there are two relevant local plans for this area, not including documents relating to excluded minerals and waste development. The National Park Authority adopted the New Forest National Park Local Plan (NFNPLP) on 29 August 2019 and the District Council has adopted the New Forest District Council Core Strategy (2009) and the New Forest District Council Local Plan Part 2 (2014). However, the District Council has prepared the New Forest District Local Plan Review 2016-2036 Part 1: Planning Strategy (NFDLPR Part 1) and this has been subject to examination (the hearings took place in June and July 2019). Modifications are currently being prepared following the examination sessions and the District Council intend to consult on these between 13 December 2019 and 31 January 2020.
- 2.2 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF)<sup>2</sup> and additional guidance is provided in the Planning Practice Guidance (PPG), which offers advice on how the policies in the NPPF should be implemented. PPG reference ID: 41-009-20160211 makes it clear that whilst a neighbourhood plan is not tested against the policies in an emerging local plan, the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the Basic Conditions, against which the neighbourhood plan is tested. It advises, for example, that up-to-date housing needs evidence is relevant to the question of whether or not the housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. PPG also confirms<sup>3</sup> that 'Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area'. On this basis, I make references to the emerging NFDLPR Part 1 in this report.

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Submission New Milton Neighbourhood Plan 2016-2036 (May 2019);
  - Plan A of the document (page 10) which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement (May 2019);

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<sup>2</sup> NPPF February 2019.

<sup>3</sup> Paragraph 001 Reference ID: 41-001-20140306.

- the Basic Conditions Statement (May 2019);
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Sustainability Appraisal (May 2019);
- the Habitats Regulations Assessment (May 2019); and
- the request for additional clarification sought in my letter of 30 October 2019 and the response dated 20 November provided by the New Milton Town Council, NFDC and the NFNPA which is available on the New Milton Neighbourhood Plan website.<sup>4</sup>

#### *Site Visit*

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 6 November 2019 to familiarise myself with the locality, and visit relevant sites and areas 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 hearing sessions to be unnecessary because the consultation responses clearly articulate the objections to the NMNP and presented arguments for and against the Plan's suitability to proceed to a referendum.

#### *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.

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The NMNP has been prepared and submitted for examination by NMTC, which is a qualifying body.
- 3.2 It is the only Neighbourhood Plan for the Parish of New Milton and does not relate to land outside the designated Neighbourhood Plan Area. The area was designated by NFDC and NFNPA in February 2015.

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<sup>4</sup> View at: [www.newmiltonplan.org.uk](http://www.newmiltonplan.org.uk)

### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2016 to 2036.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The Consultation Statement (31 May 2019) summarises the consultation that has taken place on the NMNP from the establishment of a Working Group in 2015 to the consideration of the Pre-Submission version of the NMNP in 2018. A list of key stakeholders was drawn up, but it is also clear that local residents and other interested parties were given appropriate opportunities to comment on the progress being made. On-line and paper surveys were conducted; a Vision Workshop was arranged; task groups were established; and drop-in sessions were arranged at a number of venues in the Parish. The process has been sufficiently thorough, and I consider that all interested parties have been given sufficient opportunities to contribute to the content of the NMNP, including formal consultation at the Regulation 14 stage (from 3 April 2018 to 15 May 2018) and the Regulation 16 stage (from 9 September 2019 to 21 October 2019).
- 3.5 Overall, I am satisfied that all the relevant statutory requirements in the 2012 Regulations have been met. I am also content that a transparent, fair and inclusive process has been followed in respect of the approach taken towards the preparation of the NMNP and the involvement of interested parties in consultation, having due regard to the relevant advice on plan preparation and engagement in the PPG.

### *Development and Use of Land*

- 3.6 The NMNP 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'.

### *Human Rights*

- 3.8 Neither NFDC nor NFNPA have concluded that the NMNP breaches Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

## 4. Compliance with the Basic Conditions

### *EU Obligations*

- 4.1 A Sustainability Appraisal (incorporating a Strategic Environmental Assessment)<sup>5</sup> was prepared and consulted on. It concludes that the NMNP would have positive effects in terms of sustainability, including in terms of biodiversity, green infrastructure, landscape and quality of life.
- 4.2 The NMNP was further screened for Habitats Regulations Assessment (HRA)<sup>6</sup> and it was concluded that the document 'will not result in an adverse effect on the integrity of any European sites either alone or in combination'. I have no reason to disagree with the conclusions of either document and I note that there were no objections from the Environment Agency, Natural England or Historic England.

### *Main Issues*

- 4.3 I have approached the assessment of whether or not the NMNP complies with the Basic Conditions under two main headings:
- General issues of compliance of the Plan; and
  - Specific issues of compliance of the Plan policies.
- 4.4 In particular I have considered whether or not the NMNP complies with the Basic Conditions, particularly in terms of its relationship to national policy and guidance, the achievement of sustainable development and general conformity with the adopted strategic development plan policies.

### *General Issues of Compliance of the NMNP*

#### National Policy, Sustainable Development and the Development Plan

- 4.5 The policies in the NMNP are set out in section 6 of the document and the accompanying Basic Conditions Statement (May 2019) satisfactorily sets out how the policies align with both national and local policy, and EU legislation. I am satisfied that a disciplined approach has been taken by the NMTC to ensure that the document does not unnecessarily repeat national or local planning policies.
- 4.6 In Chapter 2 there is a short history of the locality and a more detailed description of the Neighbourhood Area. Chapter 3 clearly describes the planning policy context for the Parish and chapter 4 summarises the views of the local community on planning issues in the area. The vision and objectives for New Milton are clearly expressed and I am satisfied that

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<sup>5</sup> Sustainability Appraisal of NMNP May 2019.

<sup>6</sup> NMNP Habitats Regulation Assessment May 2019.

they appropriately reflect the aspirations for the Parish as expressed by many of the respondents to the consultation exercises. The Vision does embrace a change in direction in terms of the demographic profile of the settlement – placing less emphasis on meeting the needs of the elderly and placing more emphasis on creating a more balanced community, particularly by encouraging types of housing that will support the needs of younger people and families. The objectives are clear and appropriate in order to ensure that the appeal of New Milton is enhanced for residents of all ages and also for visitors to the town.

- 4.7 Implicit throughout the introductory chapters is the need to achieve sustainable development and I am satisfied that all three dimensions to such development (economic, social and environmental)<sup>7</sup> have been taken into account. Subject to the detailed comments on individual policies, that I set out below, I conclude that the NMNP has had proper regard to national policy and guidance, and would contribute to the achievement of sustainable development.
- 4.8 It is clear that NFDC and NFNPA have been appropriately involved in the formulation of the NMNP and subject to a small number of exceptions that I refer to in the paragraphs below, I conclude that the NMNP is in general conformity with the strategic policies of the adopted Development Plan and the submitted Local Plan 2016-2036 Part 1: Planning Strategy (see paragraph 2.1 above). I further note that NFDC and NFNPA have not raised any concerns regarding consistency between the NMNP and the evolving Development Plan for the area.
- 4.9 Overall the NMNP provides an appropriate framework that will facilitate the achievement of the objectives as set out on page 30 of the Plan.
- 4.10 Subject to the modifications that I recommend below, I conclude that the NMNP meets the Basic Conditions. I also consider that the policies (as amended) are supported by suitable evidence, are sufficiently clear and unambiguous and that they can be applied consistently and with confidence.<sup>8</sup>

### *Specific Issues of Compliance of the NMNP Policies*

#### A Spatial Plan for New Milton (Policy NM1)

- 4.11 New Milton will be the location for all significant development in the Plan area (for example in terms of housing and business provision) and having visited the locality it is clear that there are few opportunities elsewhere in the Neighbourhood Plan Area, primarily because of the constraints

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<sup>7</sup> NPPF paragraph 8.

<sup>8</sup> PPG Reference ID: 41-041-20140306.

imposed by the New Forest National Park and the Green Belt. Policy NM1 establishes the broad approach to development in the area and meets the Basic Conditions.

#### Diversifying Housing (Policy NM2)

- 4.12 Policy NM2 places the emphasis on securing homes for first time buyers and those looking to rent their first home, rather than the provision of homes for older people. Concerns about this approach were expressed by a number of interested parties and in particular it was suggested that Policy NM2 should make reference to housing for older and disabled people and housing specifically designed to meet a specialist housing need.
- 4.13 At the wider planning policy level (District/National Park), Policy 16 of the NFDLPR Part 1 makes it clear that in the Local Plan area there should be a mix and choice of homes for people 'at all stages of life' and Policy 18 specifically relates to the provision of residential accommodation for older people. This is an evolution of, for example, Policy CS13(e) of the adopted Core Strategy 2009 (Housing types, sizes and tenure) which seeks to address the needs of older people. Similarly, this approach is also reflected in the NFNPLP which, in Policy SP20, provides support for specialist housing for older people. There is therefore, at the wider level, a broadly supportive approach to the provision of such accommodation.
- 4.14 Having established the overall approach at District/National Park level, there is no need to repeat it at the Neighbourhood level, but there is the opportunity to refine the approach to meet the objectives of the NMTC. To that end, Policy NM2 and its supporting text is aimed at 'diversifying' the housing stock in order to redress the demographic imbalance in favour of younger people and families. This approach is based on an analysis of population data and the ONS 2016 population estimates.<sup>9</sup> I consider that it does not conflict with the existing adopted planning policy framework or the emerging policies in the NFDLPR Part 1 and, in particular, Policy 16 of that document which places the emphasis on the provision of smaller affordable homes.
- 4.15 Reference is made by a respondent to the role that retirement housing can play in freeing up the housing market. This may be the case, but I am not aware of any evidence that demonstrates that in New Milton the provision of retirement housing would contribute significantly to the rebalancing of the demographic characteristics of the community.

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<sup>9</sup> See answer from NMTC to Question 1 of the Examiner's Preliminary Questions.  
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4.16 My findings on this matter are strengthened, firstly, by the fact that the NFNPA has an adopted policy<sup>10</sup> which actively supports the provision of specialist housing for older people and, secondly, by the responses of the NFDC and the NFNPA, neither of which object to the approach being taken in Policy NM2 of the NMNP. I conclude that Policy NM2 is in general conformity with the strategic policies for the area (and sufficiently aligns with the emerging policies of the NFDLPR Part 1), will contribute to the achievement of sustainable development and will in all other respects meet the Basic Conditions.

#### Land East of Caird Avenue (Policy NM3)

4.17 Policy NM3 includes a number of requirements with regard to the development of land East of Caird Avenue, for example employment and retail uses accessed off the southern access road, a landscape buffer and the retention of boundary trees. However, no detail is given with regard to the provision of these requirements and consequently this lack of detail means that a decision maker is unlikely to have enough information on which to properly assess a proposal on the site<sup>11</sup>. To that end NMTC has prepared, at my request, a more detailed *Illustrative Masterplan for land at Caird Avenue* (the 'Concept Plan')<sup>12</sup> which, when considered in tandem with the wording of the policy, make it clear what is expected on the site. I recommend in **PM1** that the Concept Plan is included in the NMNP.

4.18 Criterion iii. of Policy NM3 should be corrected in the interests of accuracy and further clarified to specify that the 'future requirements' referred to, should be relevant and I recommend accordingly in **PM2**. Similarly, the text in paragraph 6.14 lacks clarity. Firstly, in this instance, it would be helpful to clarify which Local Plan is being referred to; Policies NMT4 and NMT5 are part of the New Forest (outside the National Park) Local Plan Part 2: Sites and Development Management (April 2014); and secondly, the last sentence should be deleted because it is misleading and unclear (**PM3**).

4.19 The owners of the land at Caird Avenue express concern regarding the garage services and aggregate bagging operations to the north of the site that are proposed for retention. However, any proposals for the site will be subject to a comprehensive masterplan and I would expect issues regarding the use of land and the relationship between different land uses (both in and adjacent to the site) to be satisfactorily addressed in detail in that document.

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<sup>10</sup> NFNPLP 2016-2036 Policy SP20.

<sup>11</sup> NPPF paragraph 16 (d).

<sup>12</sup> View at: [http://www.newforest.gov.uk/media/39652/Caird-Avenue---A4-Masterplan-November-2019/Pdf/Caird\\_Avenue\\_-\\_A4\\_Masterplan\\_November\\_2019.pdf](http://www.newforest.gov.uk/media/39652/Caird-Avenue---A4-Masterplan-November-2019/Pdf/Caird_Avenue_-_A4_Masterplan_November_2019.pdf)

4.20 Therefore, subject to **PM1-PM3**, I am satisfied that Policy NM3 meets the Basic Conditions.

#### Design Quality (Policy NM4)

4.21 Significant emphasis should be placed on achieving a high quality sustainable design and layout for all new development and I am satisfied that the approach advocated by the NMTC in Policy NM4 is justified and broadly accords with the advice set out in the National Design Guide (October 2019). In order to further strengthen the policy and more accurately reflect the aforementioned Guide (for example see pages 1 and 123 of the Guide), it is recommended that Policy NM4 vi. should refer to 'health and well-being' (**PM4**). It was suggested by a respondent that the reference to 'outlook' should be removed from the policy. However, I note that the Guide includes references to the consideration of 'views inwards and outwards' and 'views and vistas'<sup>13</sup> and therefore I consider the inclusion of the word 'outlook' to be justified.

4.22 Policy NM4 includes a range of requirements regarding design and is sufficiently thorough to ensure that every effort will be made to ensure that the public and private realms are of the highest sustainable quality. I conclude that the policy will satisfactorily contribute to the achievement of sustainable development and meets the other Basic Conditions.

4.23 In order to ensure that the most up-to-date advice on the matter is acknowledged, it is recommended in **PM5** that a new paragraph be inserted after 6.21 to make reference to the National Design Guide (2019).

#### New Milton Town Centre Regeneration Area (Policy NM5)

4.24 Although the town appeared to be relatively thriving on my visit, it is clear that there are significant opportunities to make improvements that would be of benefit to local residents, businesses and visitors. The long-term vision for the town centre as set out in paragraph 6.28 encapsulates a realistic and viable way forward. This conclusion is strengthened by the identification of the Town Centre Opportunity Areas; the Heritage and Information Centre; the Cultural and Community Hub; the Health and Wellbeing Centre; and the Innovation/Business Centre. The implementation of all these elements should ensure that the town continues to evolve and prosper.

4.25 It was suggested by a respondent that parking provision in the town centre should be addressed. However, I was not provided with any

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<sup>13</sup> Pages 40 and 52 of the Guide.

evidence that this is a significant issue in need of consideration and at the time of my visit (which I acknowledge was not at peak holiday time) none of the car parks that I saw were full.

- 4.26 Policy NM5 represents an imaginative and sustainable way forward for the town centre and the Basic Conditions are met.

#### Heritage and Information Centre (Policy NM6)

- 4.27 The railway station is an attractive building and the conversion of the old Station Masters House into a heritage/information centre would be a very appropriate change of use which would enable the building to be retained. Policy NM6 will contribute to the achievement of sustainable development.

#### Cultural and Community Hub (Policy NM7)

- 4.28 The provision of a cultural and community hub is an important component of the NMNP because it will provide an attractive and valuable focus in the town centre. The current plan on page 77 of the NMNP identifies the cultural/arts hub as including the War Memorial Recreation Ground. This could be interpreted as meaning there would be no objection to the loss of some of the open space, which I consider to be a very important element in the character of the town centre. I believe that this is not the intention of the Town Council and therefore in the interests of clarity I recommend in **PM6** that the Plan differentiates between the open Recreation Ground and the area for the cultural and community hub. In order that this clarity is reflected in the policy it is also recommended that the title of the policy be amended accordingly (**PM7**).
- 4.29 It was suggested by a respondent that there should be greater clarity regarding footpath links within the area of the Hub. However, at this stage before any detailed plans have been drawn up, I consider it sufficient just to place a marker down that this is a matter that will have to be addressed at the appropriate time.

#### Health and Wellbeing Centre (Policy NM8)

- 4.30 It appears that preliminary work is already underway to provide a Health and Wellbeing Centre at Spencer Road. My understanding is that this will enhance and increase the services that are available to the local community and, as such, it is an appropriate proposal which meets the Basic Conditions.

#### Innovation/Business Centre (Policy NM9)

- 4.31 The proposal for flexible and affordable office accommodation in the town centre (with access to ultrafast broadband) should provide a range of opportunities for local business initiatives and meets the Basic Conditions.

#### Buildings of Local Heritage and Townscape Value (Policy NM10)

- 4.32 Having seen the buildings and structures referred to in Policy NM10, I agree that they are worthy of retention and that therefore Policy NM10 is justified. I am satisfied that the owners of the structures have been advised about the policy and the possible implications. The Basic Conditions are met.

#### Mitigating Effects on European Sites (Policy NM11)

- 4.33 It is a requirement of the Development Plan, and primary legislation, that housing developments must seek to mitigate the recreational impact on European sites. Policy NM11 sets out how such mitigation should be achieved and on which types of site. I am not aware of any objections to this approach, which appears to be consistent with published advice on the matter and with the requirements set out in the Development Plan. I am satisfied that the Basic Conditions are met.

#### Promoting Walking and Cycling (Policy NM12)

- 4.34 In the interests of sustainable travel it is important that some emphasis is placed on walking and cycling. Work has already started on the implementation of the 'Green Loop' around the town but further improvements are required. Policy NM12 supports the creation of suitable new routes and the improvement of existing routes and will contribute to the achievement of sustainable development.
- 4.35 One respondent expressed concern that part of the route crosses an operational site. However, there is no evidence that there is any risk to the safety of users, and I am satisfied that the ambitions of the NMTC in respect of the Green Loop are justified and that the policy meets the Basic Conditions.

#### Barton-on-Sea (Policy NM13)

- 4.36 Policy NM13 includes references to three areas: Seafront, Gardens and Becton Bunny but it is unclear to the reader what the boundaries of these areas are. I am advised by the Town Council, however, that maps of the areas are included in the New Milton Local Distinctiveness Supplementary Planning Document (SPD). I therefore recommend, in the interests of clarity that the titles of the two areas: 'Seafront' and 'Gardens', are

clarified by the inclusion of the word 'Barton' before them and that a cross-reference to the aforementioned SPD is included in a footnote to paragraph 6.77 (**PM8** and **PM9**).

- 4.37 It could be argued that the lists of characteristics as set out in policy NM13 are excessive and not applicable to all cases. However, the supporting text to the policy (in paragraph 6.77) confirms that a slavish adherence to every characteristic is not expected and the policy itself only expects the development to 'have regard to' the identified characteristics. On that basis, I consider the policy to be reasonable, especially as there are other design-related policies in the Development Plan which could be applicable. Subject to **PM8** and **PM9**, the Basic Conditions are met.

#### The Rural Areas in the National Park (Policy NM14)

- 4.38 Policy NM14 confirms the need for proposals to be consistent with the Development Plan policies for the area. Primarily, I interpret that as requiring the protection and enhancement of the character of the National Park. However, an exception to that over-riding objective is the need to support appropriate rural housing exception schemes. The policy confirms that appropriate rural exception housing schemes will be supported within or adjoining the settlement of Bashley and I am satisfied that this policy is in general conformity with the strategic policies of the Development Plan and also meets the other Basic Conditions.

#### Employment (Policy NM15)

- 4.39 The economic base is an important component in achieving a balanced and sustainable community. The loss of employment land should only be supported in exceptional cases and therefore the employment policy should be as clear as possible. To that end, it is recommended in **PM10** that the word 'satisfactorily' be inserted before 'demonstrated', thus removing any doubt. In this way, the Basic Conditions are met.

#### Tourism (Policy NM16)

- 4.40 Policy NM16 supports the provision of new visitor accommodation subject to there being no adverse impact on European sites. Bearing in mind the proximity of the New Forest and the attractions of the coast, this is an appropriate policy which meets the Basic Conditions.

#### Early Years Facilities (Policy NM17) and Education (Policy NM18)

- 4.41 Taking into consideration the Town Council's objective of addressing the imbalance in the age structure of the area, it is entirely appropriate to encourage the provision of a new day nursery or similar early years facilities, subject to certain environmental criteria.

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4.42 Similarly the support for new school place capacity, subject to the consideration of traffic impacts and the living conditions of nearby residents, as set out in Policy NM18, is justified. This will contribute towards achieving a demographically balanced community.

4.43 Both policies meet the Basic Conditions.

#### Connecting the Town (Policy NM19)

4.44 This policy provides support for the provision of ultra-fast broadband and the improved speed of existing services, subject to matters of design and functionality (including connectivity). Paragraph 6.90 of the Plan confirms that New Milton has been signposted for early delivery of ultrafast broadband and goes on to explain how important such infrastructure is in securing a sustainable approach to growth. I agree that this is an important component, if the aspirations of the Town Council are to be successfully achieved.

4.45 Concern was expressed that the policy may place an undue onus on developers, but I am mindful of chapter 10 of the NPPF which emphasises the fact that high quality communications infrastructure is essential for economic growth and social well-being. The policy does require the submission of realistic viability and delivery assessments so, should any problem be identified, the relevant decision-making body would be able to take such evidence into account. I am content that the policy meets the Basic Conditions.

#### *Monitoring and Review*

4.46 It is important that plans, of whatever scale, are appropriately monitored in order to ensure that they remain effective. There is an important role for NMTC in this process, but this is not reflected in the text on page 69. It is therefore recommended that a new paragraph is inserted before paragraph 6.92 to more accurately reflect the situation (**PM11**) and that accordingly the current paragraph 6.92 is renumbered and amended in the interests of clarity (**PM12**).

#### *Clarity and Accuracy of Presentation*

4.47 There are a small number of changes required to ensure that there is consistency between the NFDLPR Part 1 and the NMNP and thus to improve clarity. The Local Plan should be correctly titled above paragraph 3.7, and that paragraph itself should be updated to reflect the current status of the NFDLPR Part 1 (**PM13**); the reference in paragraph 3.8 should be to 'around' an additional 200 homes (**PM14**); bullet point 4 in paragraph 3.8 should be amended to reflect a proposed Main Modification

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to the Local Plan 2016-2036 Part 1 (**PM15**); the fifth bullet point in paragraph 3.8 should refer to 'a target' (**PM16**); and in the last bullet point in paragraph 3.8 the reference to Suitable Alternative Natural Greenspaces (SANG) should be replaced with Alternative Natural Recreational Greenspace (ANRG) (**PM17**). This in turn will require the Glossary to define ANRG rather than SANG (**PM18**).

- 4.48 Paragraphs 3.9 and 3.10 refer to the superseded National Park Core Strategy and Development Management Policies DPD (2010) and should therefore be deleted as recommended in **PM19**. Paragraphs 3.11 to 3.13 should be updated to reflect the fact that the NFNPLP has now been adopted (**PM20**).
- 4.49 Paragraph 6.82 refers to Policy CP11 of the Core Strategy. This has now been superseded by Policy SP28 of the recently adopted NFNPLP. Earlier **PM16** recommends that this paragraph be updated accordingly.
- 4.50 Policy 6.11 refers to submission Local Plan Policy 17. This may need to be updated depending on the final wording of the policy on adoption of the NFDLPR Part 1. Indeed, I would invite the NMTC to ensure that any references to that document in the supporting text of the NMNP do reflect the most up-to-date version of the Local Plan review at the time the NMNP is made.
- 4.51 It has been confirmed by the NMTC that there is no university at Totton and therefore that reference in paragraph 2.13 should be deleted (**PM21**).
- 4.52 In the interests of clarity, it is recommended in **PM22** that appropriate footnotes are provided with regard to the 'Pedestrian Pound' report and the 'Grimsey Review' as referred to on page 48.
- 4.53 Again, in the interests of clarity, Appendix E should be entitled Fluvial Flood Risk (**PM23**).
- 4.54 Finally there are a number of references in the Glossary that should be updated, and the role of the National Park Authority should be explained. I am content to leave the exact wording to the NMTC as the modifications proposed in **PM24** relate to matters of fact.

## 5. Conclusions

### *Summary*

- 5.1 The New Milton 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

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for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

- 5.2 I have made recommendations to modify a number of policies and accompanying text to ensure that 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 or not the referendum area should be extended beyond the designated area to which the Plan relates. However, the NMNP as modified, has no policy or proposals which I consider significant enough to have a perceptible impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond that boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

#### *Overview*

- 5.4 The commitment of the Town Council to the preparation of the NMNP is clear and much effort has been made towards securing a strong raft of local policies that will result in the achievement of the Council's vision and objectives. The continuing partnership between all the interested parties should ensure that a strong and sustainable future for this locality can be assured.
- 5.5 The policies in the NMNP will ensure that the Parish of New Milton continues to be a vibrant and sustainable community, whilst at the same time ensuring that those features that are of value to local people are retained and nurtured. I am confident that, if made, the document will become an important element in the planning policy framework for the area.

*David Hogger*

Examiner

## Appendix: Modifications (24)

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Policy NM3 Page 36	Insert a Concept Plan of the Caird Avenue site which identifies those land use requirements that are referred to in Policy NM3.  [An appropriate Plan has been submitted by NMTC in response to the Examiner's Preliminary Questions – see the link at footnote 12.]
PM2	Policy NM3 c iii. Page 36	Correct the wording of NM3 c.iii to read:  ... Habitat Regulations and the <b>relevant</b> adopted <del>New Forest Special Protection Area</del> Mitigation Strategies or <b>any</b> future <b>relevant</b> requirements
PM3	Paragraph 6.14 Page 37	Specify the Local Plan referred to in the first sentence as <b>the New Forest District (outside the National Park) Local Plan Part 2: Sites and Development Management (2014)</b> and delete <del>The residential element of the site, as set out in Policy NMT4 (54 homes), will be addressed on opportunity sites in the town centre regeneration area as set out in the supporting text to Policy NM5.</del>
PM4	Policy NM4 Page 38	Amend criterion vi. to read:  vi. does not cause significant harm to the amenities, <b>health and well-being</b> of existing nearby residents ....
PM5	Paragraph 6.21 Page 39	Insert a new paragraph after paragraph 6.21 to read: <b>Where appropriate the design of proposed development should be informed by the 10 characteristics of well-designed places as explained in Part 2 of the National Design Guide (October 2019).</b>

PM6	Town Centre Policies Inset Map Page 77	Clarify the plan on page 77 by differentiating between the open Recreation Ground and the area for the cultural and community hub.
PM7	Policy NM7 Page 50	Amend title of policy to read: Policy NM7 Cultural & Community Hub <b>and War Memorial Recreation Ground.</b>
PM8	Policy NM13 Page 59	Insert ' <b>Barton</b> ' before the two sub-headings of 'Seafront' and 'Gardens'.
PM9	Paragraph 6.77 Page 60	Add a footnote to the paragraph stating: <b>See the New Milton Local Distinctiveness Supplementary Planning Document for more advice.</b>
PM10	Policy NM15 Page 63	Insert the word <b>satisfactorily</b> before the word 'demonstrated'.
PM11	Paragraph 6.92 Page 69	Insert a new paragraph 6.92 to read:  <b>In an area where there is likely to be significant change, it is important that the adopted policies are appropriately monitored to ensure that any change in circumstances can be properly addressed. To that end New Milton Town Council, with the support of the District Council and the National Park Authority, will continue to act as guardian of the Neighbourhood Plan and keep the content and implementation of the policies under review.</b>
PM12	Paragraph 6.92 Page 69	Renumber the paragraph <b>6.93</b> and amend the wording to read:  <b>There will be a role for</b> <del>The Plan will be monitored by New Forest District Council.....</del>
PM13	Paragraph 3.7 Page 22	Amend the sub-title above paragraph 3.7 to read: The New Forest <b>District</b> Local Plan <b>Review Part 1</b> 2016-2036.  Update the wording of paragraph 3.7 to reflect the most up-to-date situation with regard to progress on adopting the aforementioned Local Plan.

		[What the exact situation will be at the juncture at which the NMNP may be made is not yet known. Therefore, as it is a case of factual accuracy, I will leave the exact wording of this modification to the NMTC to decide.]
PM14	Paragraph 3.8 Page 23	In the third bullet point, insert the word <b>around</b> between 'for' and 'an'.
PM15	Paragraph 3.8 Page 23	Amend the fourth bullet point to read:  <del>All open market</del> <b>Housing</b> on developments of 100 homes or more to include provision of at least three non-standard types/tenures <b>a broad mix of new homes.</b>
PM16	Paragraph 3.8 Page 23	Amend the fifth bullet point to read:  <b>A target of 50%</b> affordable housing ...
PM17	Paragraph 3.8 Page 23	In the last bullet point replace <del>Suitable Alternative Natural Greenspace (SANG)</del> with <b>Alternative Natural Recreational Greenspace (ANRG)</b> .
PM18	Glossary Page 89	Replace the sub-heading of <del>Suitable Alternative Natural Greenspace (SANG)</del> with <b>Alternative Natural Recreational Greenspace (ANRG)</b> and insert a revised definition to read: <b>Greenspace used as mitigation or avoidance to reduce recreational use of the New Forest Special Protection Area.</b>
PM19	Paragraphs 3.9 and 3.10 Page 23	Delete paragraphs 3.9 and 3.10, as the document has been superseded.
PM20	Paragraphs 3.11 to 3.13 Page 23	These paragraphs should be updated to reflect the situation regarding the NFDLPR Part 1 at the time that the NMNP is made. As it is a matter of factual accuracy, I will leave the exact wording to NMTC to decide.
PM21	Paragraph 2.13	Remove the reference to <del>Fotton</del> .

	Page 17	
PM22	Paragraphs 6.50 and 6.51 Page 48	Insert footnotes with regard to a link to 'Pedestrian Pound' and 'The Grimsey Review 2'.
PM23	Appendix E Page 83	Insert <b>Fluvial</b> before both references to flood risk.
PM24	The Glossary Page 86	<p>Delete references to <del>Department of Communities and Local Government</del> and replace with <b>Ministry for Housing, Communities and Local Government</b>.</p> <p>Update the entry under 'Examination' to reflect, if possible, the situation when the NMNP is made.</p> <p>Add a new paragraph under <b>NFPA</b> to explain the role of the National Park Authority as one of the two statutory planning authorities for the Neighbourhood Plan Area.</p>