



## **Hythe and Dibden Neighbourhood Development Plan – Decision Statement (September 2019)**

### **1. Introduction**

- 1.1 New Forest District Council has a statutory duty to assist local communities in the preparation of Neighbourhood Development Plans and Orders. 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 Hythe & Dibden Neighbourhood Plan was submitted for independent Examination in early 2019 and the Examiner's Report was issued on 25 June 2019. 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, the draft Hythe and Dibden Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum. It also confirms the Authority's opinion the revised Neighbourhood Plan – incorporating the Examiner's modifications - meets the 'Basic Conditions' set out in paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990.

### **2. Background**

- 2.1 The Hythe and Dibden Neighbourhood Development Plan relates to the area that was designated by New Forest District Council and New Forest National Park Authority in December 2015. This 'Neighbourhood Area' corresponds with the Hythe and Dibden Parish boundary and includes land within the remit of both New Forest District Council and New Forest National Park Authority.

- 2.2 Following the submission of the draft Hythe and Dibden Neighbourhood Development 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 April 2019.
- 2.3 Mary O'Rourke BA(Hons) DipTP MRTPI was appointed by New Forest District Council and New Forest National Park Authority – with the agreement of Hythe and Dibden Parish Council - to undertake the examination of the draft Neighbourhood Plan and to prepare a report of the independent examination.
- 2.4 The Examiner's Report (June 2019) concludes that subject to the modifications set out in Table 1 below, the draft Neighbourhood Plan meets the Basic Conditions. The Examiner recommends that the Plan, once modified, should proceed to Referendum on the basis that it has 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.

### **3. Decision**

- 3.1 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.
- 3.2 New Forest District Council, New Forest National Park Authority and Hythe & Dibden Parish Council have considered each of the recommendations made in the Examiner's Report. Ultimately it is the responsibility of the 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**

<b>Examiner's recommended modification</b>	<b>Examiner's Justification</b>	<b>New Forest District Council Decision</b>
<i>Procedural Compliance</i>		
Set out the Plan-period on the cover page	Paragraph 3.1 states that the Plan covers the period to 2026 and this should be clearly set out on the cover page.	Accept modification
<b>Examiner's recommended modification</b>	<b>Examiner's Justification</b>	<b>New Forest District Council Decision</b>
<i>Chapter 8 – Objectives and Policies</i>		
Delete all the action points from Chapter 8  Remove Chapter 9 from the Plan and include as an annex or companion document to the Plan, with additional text to clearly identify that the actions listed deal with non-land use matters	In the interests of clarity, all actions should be deleted from Chapter 8. Chapter 9 should be taken out of the Plan and included instead as an annex or companion document. Whilst wider community aspirations can be included in a Neighbourhood Plan, the National Planning Practice Guidance (NPPG) resource confirms that actions dealing with non-land use matters should be clearly identifiable. The actions currently have undue prominence and are formatting in a similar way to the Plan's policies.	Accept modification.  Action points deleted from Chapter 8. Chapter 9 removed from the main part of the Plan and included as an annex, with wording added to confirm the actions relate to non-land use matters.
Delete the word 'economically' from Policy H2, which encourages the future utilisation of roof space to provide additional accommodation.	There is no need to qualify the policy by including the word 'economically', which could be used as an argument about increased building costs to unreasonably defeat the objective of the policy.	Accept modification

Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
<p>In Policy ENV2 add the words "<i>in new development</i>" after "<i>sought</i>" regarding the provision of accessible natural greenspace.</p>	<p>As drafted the policy does not read as a land use policy and it is unclear what is meant by, "<i>opportunities will be sought</i>." Therefore the policy should be modified to clarify that such opportunities will be sought "<i>in new development</i>."</p>	<p>Accept modification</p>
<p>Reword Policy WEL2 as follows:</p> <p><i>New developments should be designed so as not to exacerbate, and where possible improve, air pollution, traffic congestion, road safety and parking. New residential developments should provide infrastructure for charging electric vehicles.</i></p> <p>The use of the word "<i>current</i>" is not justified in any meaningful way in the supporting text.</p>	<p>Subject to some minor re-wording and deletion of the word "<i>current</i>", the policy is considered to have regard to national policy and be in general conformity with the higher order plans for the area</p>	<p>Accept modification</p>
<p>Delete Policy C2 and its supporting text at paragraph 8.66 as the policy is unclear and ambiguous, contrary to the Secretary of State's advice.</p>	<p>Policy C2 as drafted does not have the clarity required for a land use planning policy. What would be "<i>sufficient</i>" is not defined and is a matter on which there is likely to be a myriad of different opinions. Both NFDC and the NPA have parking standards for new development and there is not a strong and coherent case for Policy C2 as drafted.</p>	<p>Accept modification</p>

Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
<p>Reword Policy T5 on the design of new footpaths and cycleways as follows:</p> <p><i>New footpaths and cycleways should be designed to a high standard. Proposals should have regard to the suitability of their gradients for all users, the directness of the route, and matters of community safety.</i></p>	<p>Subject to minor re-wording, Policy T5 regarding new footpaths and cycleways has regard to national policy and is in general conformity with the adopted Core Strategies.</p>	<p>Accept modification</p>
<p>Reword Policy T6 to provide greater clarity regarding details of management and maintenance plans for new cycleways and footpaths as follows:</p> <p><i>Applications for development that propose new cycleways or footpaths should include details of their future management and maintenance.</i></p>	<p>Subject to minor re-wording in the interests of clarity and to avoid ambiguity, Policy T6 is in general conformity with strategic policy and has regard to national policy, contributing to the achievement of sustainable development.</p>	<p>Accept modification</p>
<p>Reword Policy F1 along the lines proposed by the Environment Agency; and to highlight that flood risk</p>	<p>Flooding is a significant concern to local residents and it is therefore reasonable to retain Policy F1, subject to its rewording along the lines proposed by the Environment Agency. Flood risk mitigation measures may be broader</p>	<p>Accept modification</p>

Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
<p>mitigation measures cover more than raising floor levels as follows:</p> <p><i>In line with the application of the Sequential Test, any future development within the Hythe and Dibden area will be directed to the areas at the lowest probability of flooding (Flood Zone 1). Development will not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Sequential Test should be informed by the Strategic Flood Risk Assessment for the area, as well as other background documents such as the District Council's Strategic Housing Land Availability Assessment. Applications for development should be accompanied by a site specific Flood Risk Assessment setting out flood risk mitigation measures.</i></p>	<p>the raising floor levels and the policy should be amended to reflect this.</p>	

Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
<p>Modify Policy F2 as suggested by the Environment Agency to comply with national policy as follows:</p> <p><i>To promote the delivery of coastal flood risk management infrastructure, ensuring that it provides a level of protection that includes climate change allowances any coastal flood risk management measures should have regard to relevant strategies including the New Forest District Council Strategic Flood Risk Assessment and the Shoreline Management Plan.</i></p>	<p>Policy F2 should be modified as suggested by the Environment Agency to comply with national policy and to clarify the need to have regard to the New Forest Strategic Flood Risk Assessment (SFRA).</p>	<p>Accept modification</p>
<p>Delete references to sustainably managed economic growth as part of the proposed 'Buffer Zone; particularly in part c) of Policy BZ2; objective 9.4 and paragraph 8.74</p> <p>Delete paragraph 8.82</p>	<p>It is apparent from all but one of the objectives and the main thrust of the policy that the Buffer Zone is intended to be environmentally focused. I share the concerns of the NFNPA as to the potential for conflict between environmental protection and the policy's objective to support "<i>sustainably managed economic growth</i>". The implication in Policy BZ2 (c) that economic growth might be allowed in the Buffer Zone conflicts with the expectation that the Zone will be kept as mainly</p>	<p>Accept modification</p>

Examiner's recommended modification	Examiner's Justification	New Forest District Council Decision
	undeveloped open land. It is therefore recommended that references to sustainably managed economic growth are deleted from the Neighbourhood Plan.	
<p>Delete the second sentence of Policy BZ3 and replace it as follows:</p> <p><i>The boundaries of the Buffer Zone will need to extend sufficiently beyond the operational port boundary (once defined) including essential infrastructure, to fulfil its functional objectives and ensure the necessary protection of the natural drainage system.</i></p> <p>To reflect the fact that the buffer would need to be wider than 500m in certain places but could be narrower elsewhere, as follows:</p>	<p>The Examiner shares the concerns of ABP that, by including a minimum distance in the Plan, it could inadvertently impact on an appropriate buffer being determined in the collaborative way envisaged by the Plan. It is unclear how the distance of at least 500 metres was arrived at, given that the Plan itself acknowledges that the precise details of the Buffer Zone would have to be the subject of more work. The second sentence of Policy BZ3 should therefore be modified to indicate that the Buffer Zone will need to extend significantly beyond the operational port boundary to fulfil its objectives.</p>	<p>Accept modification</p>