



## **Lymington and Pennington Neighbourhood Plan – NPA Decision Statement (November 2025)**

### **1. Introduction**

- 1.1 The New Forest National Park Authority has a statutory duty to assist local communities in the preparation of Neighbourhood Development Plans and Orders. As the planning authority for the National Park area, the Authority 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 in Summer 2025 and the final Examiner's Report was issued on 25 September 2025. Under the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended), the National Park Authority 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 Lymington and Pennington Neighbourhood Development Plan has been altered as a result of it; and that this plan may now proceed to referendum.

### **2. Background**

- 2.1 The Lymington and Pennington Neighbourhood Plan relates to the area that was designated by the National Park Authority and New Forest District Council in Sep/Oct 2015. This 'Neighbourhood Area' corresponds with the Lymington and Pennington Town Council boundary and includes land within the remit of both the New Forest National Park Authority and New Forest District Council.

## Annex 1

- 2.2 Following the submission of the draft Lymington and Pennington Neighbourhood Plan to the National Park Authority and New Forest District Council, the Plan was publicised and representations were invited for a 6-week period, closing on 30 May 2025.
- 2.3 Andrew Mead BSc (Hons) MRTPI MIQ was appointed by the New Forest National Park Authority and New Forest District Council – 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.
- 2.4 The Examiner's Report (25 September 2025) concludes that subject to the policy modifications set out, 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 National Park Authority to outline what action to take in response to the recommendations made in the Examiner's Report.
- 3.2 The National Park Authority, New Forest District Council 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 planning authorities 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), the National Park Authority has decided to accept the modifications to the draft Plan. Table 1 on the following pages outline the alterations 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>Report Ref.</b>	<b>Examiner's recommended modification</b>	<b>Examiner's Justification</b>	<b>National Park Authority Decision</b>
PM1	Policy LP2, Page 22  Amend Clause C by the addition of:	Policy LP2 supports proposals for redevelopment provided they demonstrate how they will contribute to the Town Centre Vision. Clause C of the policy requires development	Accept modification

	<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>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>1</sup> Therefore, I shall recommend a modification to the policy to ensure that it has regard to national guidance.<sup>2</sup> <b>(PM1)</b> The policy would then also generally conform with Policy ECON5 and IMPL1 of the NFDLP Part 1 and meet the Basic Conditions.</p>	
PM2	<p>Policy LP3, Page 25</p> <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</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 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. <b>(PM2)</b> Policy LP3 would then have</p>	<p>Accept modification – with minor amendment</p> <p>Following release of the Examiner’s Report, it was agreed between the Town Council, New Forest District Council and the National Park (October 2025) with regard to PM2, that the final paragraph of Policy LP3 would be amended</p>

<sup>1</sup> NPPF: paragraph 57.

<sup>2</sup> NPPF: paragraphs 57 and 90 a).

	<p>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>regard to national guidance<sup>3</sup>, would generally conform with Policy STR5 of the NFDLP Part 1 and would meet the Basic Conditions.</p>	<p>to recognise that as planning authorities for their respective plan areas, New Forest District Council and the National Park Authority operate separate Habitat Mitigation schemes, which should be applied according to the relevant planning authority i.e., the Mitigation for Recreational Impacts on New Forest European Sites SPD (2021) in New Forest District, and the revised New Forest Habitat Mitigation Scheme SPD (2020) in the National Park area.</p>
PM3	<p>Policy LP4, Pages 26, 30</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</b></p>	<p>The additions to paragraph 5.15 of the Plan suggested by NFDC 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. <b>(PM3)</b> With this recommended modification, the policy will have regard to</p>	<p>Accept modification</p>

<sup>3</sup> NPPF: paragraphs 8 b), 63, 64 b) and 124 c),

	<p><b>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>national policy<sup>4</sup>, generally conforms with Policy ECON6 of the NFDLP Part 1 and meets the Basic Conditions.</p>	
PM4	<p>Policy LP5, Page 30</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>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</p>	Accept modification

<sup>4</sup> NPPF: paragraphs 97 a) and 97 d).

	<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>to national guidance<sup>5</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.</p> <p><b>(PM4)</b></p>	
PM5	<p>Paragraph 5.20, Page 32</p> <p>Delete the final sentence.</p>	<p>...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>6</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</p>	Accept modification

<sup>5</sup> NPPF: paragraphs 97 a) and 108 c).

<sup>6</sup> NPPF: Annex 2 Glossary.

		paragraph 5.20 and the substitution of an alternative. <b>(PM5)</b>	
PM6	<p>Policy LP7, Page 33</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>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. <b>(PM6)</b> The policy would then have regard to national policy<sup>7</sup>, would generally conform with Policy HOU1 of the NFDLP Part 1, Policy SP1 of the NFNPLP and would meet the Basic Conditions.</p>	Accept modification
PM7	<p>Policy LP8, Page 37</p> <p>Amend Clause C to:</p> <p><b>“All appropriate development should embed Green Infrastructure ...”</b></p>	<p>Policy LP8 designates a Green Infrastructure and Nature Recovery Network. Clause C provides that <u>all</u> development should embed Green Infrastructure in a way that helps to support nature recovery, whereas I shall recommend that the policy should apply to <u>appropriate</u> development, which is more reasonable and realistic. <b>(PM7)</b> Policy LP8 would then have regard to national policy<sup>8</sup>, would generally conform with Policies STR1 and ENV4 of the NFDLP Part 1, Policy DM9 of</p>	Accept modification

<sup>7</sup> NPPF: paragraphs 8 b) and 64 b).

<sup>8</sup> NPPF: paragraphs 96 c) and 180.

		the NFDLP Part 2, Policy SP6 of the NFNPLP and would meet the Basic Conditions.	
PM8	<p>Policy LP11, Page 47</p> <p>Amend Clause A to:</p> <p><b>“All development (except for householder development) should be “zero carbon ready” ...”.</b></p> <p>Amend Clause B to:</p> <p><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></p> <p>Amend Clause C to:</p> <p><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></p>	<p>Even though the court of appeal judgement <i>R(Rights: Community: Action Ltd) v SoS HCLG [2025] EWCA Civ 990</i> 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 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. <b>(PM8)</b> With the recommended modifications, Policy LP11 would meet the Basic Conditions.</p>	Accept modification