

PC 500/25

## NEW FOREST NATIONAL PARK AUTHORITY

### PLANNING COMMITTEE MEETING – 18 NOVEMBER 2025

#### LYMINGTON AND PENNINGTON NEIGHBOURHOOD PLAN - EXAMINER'S REPORT & NPA DECISION STATEMENT

**Report by:** Jade Bowes, Policy Officer

#### **Summary:**

Following the final period of consultation on the draft Lymington & Pennington Neighbourhood Plan between April – May 2025, the draft Plan, supporting information and representations received were subject to independent examination. The examination was undertaken by a suitably qualified person and on 25 September 2025 the final Examiner's Report was received. In this Report the Examiner concluded that subject to a series of policy modifications, the Plan meets the Basic Conditions and should proceed to referendum.

Under the relevant regulations, the National Park Authority must decide what action to take in response to the Examiner's Report and publish a 'Decision Statement'. This report therefore seeks approval of the 'Decision Statement' (Annex 1) and the subsequent amendments to the Neighbourhood Plan. New Forest District Council will be going through the same process in December 2025 for the part of the parish within their planning jurisdiction and once both authorities have agreed their responses the revised Plan will proceed to local referendum.

#### **Recommendation:**

**Members note the recommendations made in the Examiner's Report into the draft Lymington and Pennington Neighbourhood Plan (September 2025); and endorse the 'Decision Statement' in Annex 1 to this report setting out the Authority's responses to the Examiner's Report.**

#### **1. Introduction**

- 1.1 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, form part of the statutory 'development plan'. In June 2015 Lymington and Pennington Town Council applied to the National Park Authority and New Forest District Council for the whole of the parish to be designated as a 'Neighbourhood Area'. The parish includes the Lymington & Pennington Marshes, Pennington Common and Buckland Rings that all lie within the National Park. The designation was confirmed in September 2015 by the National Park Authority.
- 1.2 Work on the emerging Lymington and Pennington Neighbourhood Plan has been overseen by a working group of town councillors, working alongside their appointed planning consultants. Following consultation on earlier iterations of the draft Neighbourhood Plan, the Plan was subject to a final 6-week public consultation between 18 April – 30 May 2025.

## 2. Independent Examination and the Examiner’s Report

- 2.1 During the final 6-week public consultation held on the draft Plan, representations were received from 25 organisations and individuals. These included representations from the National Park Authority, Hampshire County Council, Natural England; the Environment Agency; Historic England, developers and other interest groups.
- 2.2 All of 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<sup>1</sup> for their consideration. The examination was dealt with by written representations and the Examiner undertook a site visit in August 2025. The Examiner is required to assess whether the Plan meets the Basic Conditions and legal tests and is then required to produce a Report recommending:
  - (a) the Neighbourhood Plan proceeds to a referendum without modifications; or
  - (b) that modifications are made and that the modified Neighbourhood Plan then proceeds to referendum; or
  - (c) that the Neighbourhood Plan does not proceed to a referendum as it does not meet the necessary legal requirements.
- 2.3 The *Examiner’s Report on the Lymington & Pennington Neighbourhood Plan 2016 - 2036* can be viewed at [Lymington and Pennington NP Final Report 250925.pdf](https://www.lymington.gov.uk/250925.pdf). The main findings are set out in the ‘Executive Summary’ on page 4, with the key recommendation being that subject to the policy modifications set out in the Examiner’s Report, the Plan meets the Basic Conditions and can proceed to Referendum as it meets the relevant legal requirements. This is a positive recommendation and reflects the hard work the Town Council have put into the preparation of the draft Plan since work commenced in early 2015.
- 2.4 Where necessary the Examiner has recommended modifications to the Plan in order that it meets the Basic Conditions and other legal requirements. These are listed in the Appendix to the Examiner’s Report (pages 19 – 21) and it is common for modifications to be required to draft Neighbourhood Plans following independent examination.

## 3. National Park Authority response to the Examiner’s recommendations

- 3.1 Under Neighbourhood Planning (General) Regulations 2012 (as amended), it is the responsibility of the local planning authority to ensure the Plan meets the basic conditions and to determine whether it proceeds to referendum, with or without modifications. The local authority is also responsible for deciding whether the voting area should be the Neighbourhood Area or should include other areas too.
- 3.2 The National Park Authority must also: (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’. National guidance indicates that if the local planning authority can make modifications to the Plan to meet the basic conditions and allow it to proceed to Referendum, they should do so. Modifications will normally follow the Examiner’s recommendations and clear justification would be required for departing from the Examiner’s recommendations.

<sup>1</sup> The independent Examiner was appointed by New Forest District Council and the National Park Authority, with the agreement of Lymington and Pennington Town Council.

3.3 Officers from the National Park Authority, New Forest District Council and Lymington and Pennington Town Council met in early October 2025 to consider 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 modifications proposed by the Examiner, it is recommended that the Authority accepts in full the Examiner’s modifications to the draft Plan. The Decision Statement set out in Annex 1 to this report therefore outlines 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.

3.4 Key recommendations from the Examiner that it is proposed to accept include:

- (PM1) Amend Clause C within Policy LP2 to provide clarity regarding the use of contributions in making proposals acceptable in planning terms.
- (PM2) Amend the wording within Policy LP3 which reiterates the need for development to respond appropriately to mitigation schemes to account for recreational impact. Amend the boundary for site e) within the Policies Map (Inset 2) to match Hampshire County Council ownership. Associated wording within paragraph 5.11 should also be changed.
- (PM3) Additional sentence within paragraph 5.15 of the Plan to detail how residents can access day to day services and amenities. Add sentence to paragraph 5.17 of the Plan which details Use Classes that meet day-to-day needs e.g., 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 etc.
- (PM4) Amend Clauses C, D, E, F of Policy LP5 to provide clarity.
- (PM5) Delete final sentence of paragraph 5.20
- (PM6) Add additional sentence to Clause B of Policy LP7 to provide clarity
- (PM7) Amend Clause C of Policy LP8 to provide clarity on green infrastructure
- (PM8) Amend Clauses A, B, C, of Policy LP11 to provide clarity.

3.5 There is also scope for minor (non-material) amendments to be made to the Plan that aren’t set out by the examiner if they meet PPG criteria<sup>2</sup>, are factual and improve the clarity of the Plan. 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 to recognise that as planning authorities for their respective plan areas, New Forest District Council and the National Park 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.

<sup>2</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#the-independent-examination>

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- 3.6 Further minor modifications include changing reference to the Lymington and Pennington Town Council from ‘LTC’ to ‘LPTC’.
- 3.7 In accepting the modifications set out by the Examiner in full, the draft Lymington and Pennington Neighbourhood Plan has been altered; and it is this revised version of the Plan which may now proceed to local referendum. A full text version of the amended Neighbourhood Plan - incorporating the Examiner’s modifications – is set out in Annex 2 to this report (available online).
- 3.8 Given the need to allow time for both planning authorities to obtain the necessary member/councillor endorsement for the agreed responses to the Examiner’s proposed modifications and the formal ‘Decision Statements’, both New Forest District Council and the National Park wrote to the Town Council to propose an extension of time beyond the narrow 5-week window set out in the relevant Regulations. The Neighbourhood Planning Regulations enable the planning authorities and Town Council to agree an alternative date and on 22 October 2025 the Town Council formally agreed to an extension until 19 December 2025 to give plenty of time for both authorities’ decision-making processes.
- 3.9 New Forest District Council will be taking their response to the Examiner’s Report and the formal Decision Statement through their decision-making process by mid December 2025 and the agreed extension of time enables this.

#### **4. Conclusions and the next stages**

- 4.1 The Examiner’s Report recognises the commitment of the Town Council to the preparation of the Neighbourhood Plan and concludes, “*The LPTC, the Neighbourhood Plan Steering Group and other voluntary contributors are to be commended for producing a succinct and comprehensive Plan*” and “*Subject to the recommended modifications, the LPNP will make a positive contribution to the Development Plan for the area . . .*” The Authority is committed to working alongside New Forest District Council to support the final stages in the Plan-making process – as set out below. The Examiner’s Report supports the relatively minor modifications sought by the Authority to the draft Neighbourhood Plan.

##### *(i) Local Referendum*

- 4.2 The Examiner concluded that the Neighbourhood Plan had no policy or proposals significant enough to have a perceptible impact beyond the designated Neighbourhood Plan. The recommendation therefore is that the boundary for the future referendum should be the boundary of the designated Neighbourhood Plan Area. This conclusion is supported by the two planning authorities and Lymington and Pennington Town Council.
- 4.3 As the ‘relevant council’ as defined in the Town and Country Planning Act 1990, it is the responsibility of New Forest District Council to make arrangements for the local referendum to take place. The *Neighbourhood Planning (Referendums) Regulations 2012* (as amended) provide coverage of the referendum process and confirm that a person is entitled to vote if, at the time of the referendum, they meet the eligibility criteria to vote in a local election for the area and if they live in the referendum area.

*(ii) Future adoption as part of the ‘development plan’ for the National Park*

4.4 If the majority of those who vote in the local referendum are in favour of the draft Lymington & Pennington Neighbourhood Plan, then the Plan must be ‘made’ by the National Park Authority and District Council within eight weeks of the referendum.

4.5 The Neighbourhood Plan will then become part of the statutory ‘development plan’ for the part of the National Park within the parish of Lymington and Pennington; forming the basis of planning decisions in that area. The formal ‘making’ of the Neighbourhood Plan after the referendum would be completed at a full National Park Authority meeting later in early 2026. At this stage it is envisaged that the referendum would take place in late January 2026 and the would enable the full Authority meeting to consider the ‘making’ of the Plan at the meeting in March 2026.

**Recommendation:**

**Members note the recommendations made in the Examiner’s Report into the draft Lymington and Pennington Neighbourhood Plan; and endorse the ‘Decision Statement’ in Annex 1 to this report setting out the Authority’s responses to the Examiner’s Report.**

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**Papers:** **PC 500/25** – cover paper  
**Annex 1** – Lymington and Pennington Neighbourhood Plan Examiner’s Report – NPA Decision Statement  
**Annex 2** – Lymington and Pennington Neighbourhood Plan

**Equality Impact Assessment:** No impacts have been identified.