

# LYMINGTON AND PENNINGTON NEIGHBOURHOOD PLAN

## BASIC CONDITIONS STATEMENT

FEBRUARY 2025

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(General) Regulations 2012 (as amended)

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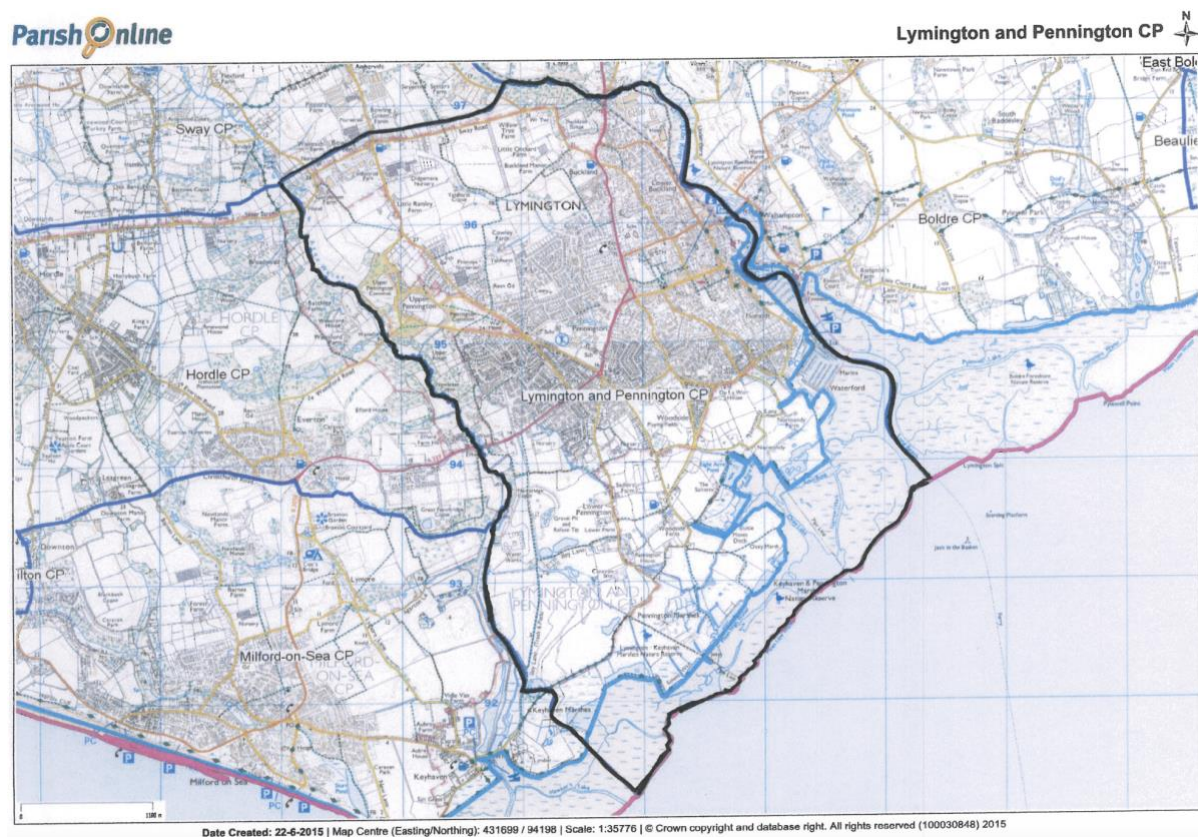
# 1.INTRODUCTION

## The Neighbourhood Plan

1.1 This Statement has been prepared by ONH on behalf of Lymington and Pennington Town Council ("the Town Council") to accompany its submission of the Lymington and Pennington Neighbourhood Plan ("the Neighbourhood Plan") to the respective local planning authorities, New Forest District Council (NFDC) ("the District Council") and New Forest National Park Authority (NFNPA), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

1.2 The Neighbourhood Plan has been prepared by the Town Neighbourhood Forum, the 'Qualifying Body', for the Neighbourhood Area ("the Area"), shown on Plan A below. The District Council designated the Area in March 2015.

1.3 ONH has provided the professional planning advice and support to the Town Council throughout the project, alongside occasional help from officers of the District Council.



Plan A: Lymington and Pennington Designated Neighbourhood Area

1.4 The Neighbourhood Plan contains thirteen land use policies, which are defined on the Policies Map where they apply to a specific part of the Area. The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is from 2016 to 2036, which corresponds with the plan period of the New Forest District Council Local Plan.

1.5 The Plan has deliberately avoided containing policies that duplicate saved or forthcoming development plan policies or national policies that are already or will be used to determine planning applications. The policies are therefore a combination of site-specific allocations or other proposals and of development management matters that seek to refine and/or update existing policies.

### **The Basic Conditions**

1.6 The statement addresses each of the five 'Basic Conditions', which are relevant to this plan, required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.7 The Regulations state that a Neighbourhood Plan will be considered to have met the Conditions if:

- A. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan;
- D. The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development;
- E. The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and
- F. The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with EU obligations; and
- G. Other prescribed conditions are met.

1.8 Conditions B & C relates to neighbourhood development orders only. It is noted that the Levelling Up & Regeneration Act 2023 has made provision for Condition E to be amended by replacing the current requirement with a narrower condition in respect of not undermining the housing site allocation provisions in an adopted Local Plan. However, at the time of the expected examination of the Neighbourhood Plan, the regulations enabling that part of the Act have not been made.

## 2.BACKGROUND

2.1 The decision to proceed with a Neighbourhood Plan was made by the Town Council in March 2015. The key driver of this decision was a sense of wanting to plan positively for the future of the Parish, with the encouragement of the District Council to local communities to prepare Neighbourhood Plans. The preparation of the Neighbourhood Plan was placed on hold for a period to meaningfully participate in the preparation of the New Forest District Local Plan but resumed following its adoption and recovery from the global pandemic.

2.2 A steering group was formed comprising the residents and Town Council representatives. The group has been delegated authority by the Town Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Town Council approved the publication of the Pre-Submission plan in July 2024 and the Submission Plan now.

2.3 The Town Council has consulted local communities extensively over the duration of the project. It has also worked closely with officers of the District Council and the NFNPA since the start of the project to collate and examine the evidence base, to design and iterate policy proposals and to define the proper relationship between the Neighbourhood Plan and the adopted development plan.

### 3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. The latest version of the NPPF of December 2024 sets out transitional arrangements for neighbourhood plans in its §239. As this Neighbourhood Plan is due to be submitted prior to 12th March 2025 the Plan is expected to be examined against the December 2023 version of the NPPF. Nonetheless, Table A also includes references to the December 2024 version of the NPPF to demonstrate consistency. In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

#### General Paragraphs

3.2 The Town Council believes the Neighbourhood Plan “support(s) the delivery of strategic policies contained in local plans ... and ... shape(s) and direct(s) development that is outside of these strategic policies” (§13). It considers the Neighbourhood Plan contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (§18). It considers that the Neighbourhood Plan sets out more “detailed policies for specific areas” including “the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies” (§28<sup>1</sup>).

3.3 The Town Council considers that its Neighbourhood Plan has provided its communities the power to develop a shared vision for the Area that will shape, direct and help to deliver sustainable development, albeit in a modest way, by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains no site allocation proposals, although it does encourage the re-use of brownfield sites within the town boundary, nor any other policies that will result in less development than set out in the strategic policies for the area (§29<sup>2</sup>). In this regard, the NPPF provisions of meeting local housing needs (as per §67/§68<sup>3</sup>) are therefore not relevant to this Neighbourhood Plan. The Plan is underpinned by relevant and up-to-date evidence. This is considered to be adequate and proportionate, focused tightly on supporting and justifying the policies concerned (§31<sup>4</sup>).

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<sup>1</sup> §29 of the December 2024 NPPF which is identical to §28 of the December 2023 NPPF

<sup>2</sup> §30 of the December 2024 NPPF which is identical to §29 of the December 2023 NPPF

<sup>3</sup> §69/§70 of the December 2024 NPPF which is identical to §67/§68 of the December 2023 NPPF

<sup>4</sup> §32 of the December 2024 NPPF which is identical to §31 of the December 2023 NPPF

## Specific Paragraphs

3.4 Each policy engages one or more specific paragraphs of the NPPF. Those that are considered to be of the most relevance and substance are identified in Table A below.

Table A: Neighbourhood Plan & NPPF Conformity Summary		
Policy No.	Policy Title	Commentary
LP1	A Spatial Strategy for the Town	This policy promotes the development of brownfield land, reducing the need for releasing Green Belt land for development, therefore making effective use of land (§123 as in 2023 NPPF, this is retained in §124 in 2024 NPPF). LP1 also focuses on the vitality and viability of Lymington town centre and Pennington local centre in meeting the needs of the community (§90 as in 2023 NPPF, this is retained in §90 in 2024 NPPF). There is also a focus on conserving and enhancing the landscape of the National Park beyond the settlement boundary (§182 as in 2023 NPPF, this is retained in §189 in 2024 NPPF). The policy also recognizes the opportunity for gentle densification in the Green Belt through the utilization of brownfield sites in the area (§152 as in 2023 NPPF, this is retained in §153 in 2024 NPPF). Finally, the policy recognises that there may be other material consideration, such as the 2024 NPPF provisions on Grey Belt.
LP2	Lymington Town Centre	The policy is intended to support the role that Lymington town centre is envisaged to play as a focal point of Lymington and Pennington by the new Spatial Strategy, adopting its positive approach to growth, management and adaptation (§90a as in 2023 NPPF, this is retained in 2024 NPPF §90a) by requiring development proposals to directly contribute to the town centre.
LP3	Key Regeneration Opportunities in the Town Centre	This policy encourages the redevelopment of a number of key brownfield sites in the town centre which would be appropriate for housing development (§124c as in 2023 NPPF, this is retained in §125c 2024 NPPF), with a focus on supplying a balanced mix of homes (§63 as in 2023 NPPF, this is retained in §63 in 2024 NPPF) and particularly those suitable for younger people (§8b as in 2023 NPPF, this is retained in §8b 2024 NPPF), contributing to creating a mixed and balanced community for the future (§64b as in 2023 NPPF, this is retained in §64b in 2024 NPPF).
LP4	Pennington Shopping Parades	LP4 supports the retention of commercial, business and service use within Local Shopping Frontages, planning positively for the future and retaining the sustainability of the community and its existing local services (§97a, 97d as in 2023 NPPF, these are retained in §98a and §98d in 2024 NPPF).
LP5	Walkable Neighbourhoods	This policy identifies a number of areas classified as 'walkable' and supports proposals which positively contribute to the needs of local people (§97a as in 2023 NPPF, this is retained in §98a in 2024 NPPF), while promoting walking and cycling (§108c as in 2023 NPPF, this is retained in

		§109e in 2024 NPPF).
LP6	High Quality Design	LP6 ensures that development proposals have full regard to the relevant local SPD and design principles, which set out clear design vision and expectations, meaning development positively reflects the local area and its defining characteristics (§132 as in 2023 NPPF, this is retained in §132 in 2024 NPPF).
LP7	Providing a balanced mix of dwellings to meet local needs	This policy seeks to diversify Lymington and Pennington's housing stock with a particular focus on supplying a mix of homes, especially those suitable for younger people (§8b as in 2023 NPPF, this is retained in §8b 2024 NPPF), contributing to creating a mixed and balanced community for the future (§64b as in 2023 NPPF, this is retained in §64b in 2024 NPPF).
LP8	Green Infrastructure and Nature Recovery Network	This policy aims to protect and enhance the many green infrastructure assets across the Parish to contribute to wider nature recovery strategies and to increase accessibility to recreational spaces. In relation to §96c (as in 2023 NPPF, this is retained in §96c in 2024 NPPF), the policy addresses the provision of safe and accessible green infrastructure. The policy is aimed at maintaining and enhancing networks of habitats and green infrastructure (§180 as in 2023 NPPF, this is retained in §187 in 2024 NPPF).
LP9	Safer Lanes Network	LP9 sets out to protect and promote identified 'lanes' within the parish as spaces of particular importance to the community as part of the wider Green Infrastructure Network (§180 as in 2023 NPPF, this is retained in §187 in 2024 NPPF).
LP10	Active and Healthy Travel	This policy seeks to encourage and retain safe and accessible active travel routes within the Parish (§108c as in 2023 NPPF, this is retained in §109e in 2024 NPPF).
LP11	Net Zero Carbon Building Design	This policy intends to ensure new developments are 'zero carbon ready' and deliver buildings which meet design expectations on efficiency for whichever standard of building is adopted, therefore contributing to a movement towards a low carbon economy (§8c as in 2023 NPPF, this is retained in §8c in 2024 NPPF) and mitigating and adapting to climate change (§158 as in 2023 NPPF, this is retained in §162 in 2024 NPPF).
LP12	Urban Greening and Canopy Cover	Policy LP12 requires development proposals to provide a minimum standard of tree cover and other means of urban greening where appropriate in order to mitigate environmental and social challenges in built-up areas, therefore avoiding increased vulnerability to climate change and its impacts (§159a as in 2023 NPPF, this is retained in §164b in 2024 NPPF).
LP13	Digital Communication Infrastructure	This policy aims to encourage the provision of new digital communications infrastructure that is vital for facilitating future businesses and homes in the Parish, supporting high quality communications (§118 as in 2023 NPPF, this is retained in §119 in 2024 NPPF).



#### 4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 It was agreed with both NFDC and NFNPA in correspondence in March 2017 that a Strategic Environmental Assessment (SEA) would be necessary in accordance with the Environmental Assessment of Plans & Programmes Regulations 2004 (as amended). The Town Council is mindful of retained EU Directive/Regulations and of the obligations of the Plan to meet the Basic Conditions (in terms of demonstrating it will 'contribute to the achievement of sustainable development'). It has therefore followed the statutory SEA process and it has chosen to undertake this as part of a wider Sustainability Appraisal (SA). The SA ensures that the Plan will meet the 'basic conditions' in respect of showing how the policies contribute to the achievement of sustainable development and of complying with the retained EU Directives 42/2001 and the 2004 Environmental Assessment of Plans and Programmes Regulations (see Section 6). The SA is published alongside the Neighbourhood Plan and it concludes:

*"Overall, no potential significant negative or positive effects have been identified through the policy appraisal of the LPNP. However, the policy appraisal has identified a number of broad positive effects associated with several SA themes. This reflects the strong focus that the LPNP has on supporting development proposals which are sensitive to the environmental constraints within the neighbourhood area."*

## 5. CONDITION (E): GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the strategic policies of the development plan for the New Forest, the development plan primarily comprises of policies of the NFDC Core Strategy (2009), the NFDC Local Plan Part 2 (2014) and the NFDC Local Plan Part 1 (2020) for that part of the neighbourhood area which lies within the NFDC area and the NFNPA Local Plan (2016-2036) for that part of the neighbourhood area which lies in the NFNPA area. The respective local authorities consider these to be of a strategic nature (as per Planning Practice Guidance (§41-076)).

5.2 An assessment of the general conformity of each policy is contained in Table B below.

Table B: Neighbourhood Plan & Development Plan Conformity Summary					
Policy Number	Policy Title	NFDC Core Strategy (2009)	NFDC Local Plan Part 2 (2014)	NFDC Local Plan Part 1 (2020)	NFNPA Local Plan (2016-2036)
LP1	A Spatial Strategy for the Town	Lymington is identified as being among the most sustainable locations for more new development, however such development needs to avoid harm to the New Forest National Park and preserve the openness and permanence of the Green Belt as set out in the <b>District Council's Local Plan Part 1 Policies STR1 – STR4 &amp; ENV2 and NFNPA Local Plan Policies SP1, SP3 &amp; SP4</b> . The policy recognises the spatial elements which make up the designated area and their roles within it. It addresses the need to direct development to the most sustainable location in the designated neighbourhood area, the existing town centre, through the use of brownfield land and gentle densification which also serves to preserve the openness and permanence of the Green Belt, further the statutory purposes of the National Park, all without eroding the significance of the Lymington Conservation Area. The policy approach is therefore considered to be in line with the District Council and the National Park's spatial strategies.			
LP2	Lymington Town Centre	The renewal and investment of town centres forms part of the District Council's strategy as set out in the <b>District Council's Local Plan Part 1 Policy ECON5</b> . The policy seeks to make provision for redevelopments to enhance the functions of the Town Centre through improving accessibility, the safety and enjoyment of the active travel environment, the public realm and the green environment and is therefore considered to be in line with the District Council's strategy for the renewal and investment of town centres. The <b>District Council's Local Plan Part 1 Policy IMPL1</b> seeks to secure relevant contributions from new development. The policy seeks to ensure that allocated funds are directed to projects and town centre improvements to deliver the objectives of the Lymington Town Centre Vision. The policy approach is therefore considered to be in general conformity with these strategic policies.			
LP3	Key Regeneration Opportunities in the Town Centre	In addition to Lymington's position in the District Council's Local Plan, the NFNPA Local Plan also recognises Lymington as a large settlement outside of the National Park and an employment and tourist accommodation and facilities centre within relatively easy reach (§8.5 & §8.26 respectively). The policy seeks to encourage the redevelopment of a number of key regeneration sites within the town centre in order to deliver new homes in a sustainable location and in doing so contribute to the housing requirement of around 200 in the <b>District Council's Local Plan Part 1 Policy STR5</b> . Redevelopment of all of these sites presents an opportunity to renew and invest in the town centre given their location either adjacent or close to the Inner Ring proposed as part of the Town Centre Vision. The policy approach is therefore considered to be in general conformity with the District Council and the National			

		Park's spatial strategies.
LP4	Pennington Shopping Parades	<b>The District Council's Local Plan Part 1 Policy ECON6</b> recognises the importance of Local Shopping Parades and defines them in the same locations as the Neighbourhood Plan whose policy is intended to protect the essential local shopping and service facilities at Milford Road and South Street, and Pennington Square and South Street. Its content updates Policy ECON6 which refers to the previous Use Class Order which has been substantially changed. The policy approach is therefore considered to be in general conformity with strategic policies.
LP5	Walkable Neighbourhoods	The <b>District Council's Local Plan Part 1 Policies ECON5 &amp; ECON6</b> adopts a 'town center first' position for the provision of retailing and other main town centre uses and directs other uses which meet the day-to-day needs of local communities to Local Shopping Frontages only. These District Council policies also recognise the importance of convenience and accessibility for neighbourhoods. In recognizing that Local Shopping Frontage uses are now subject to more lenient planning controls and considering the benefits of the 20-minute neighbourhoods concept, the policy seeks to improve the liveability of the town's neighbourhoods by providing more flexibility on the location of new uses which seek to meet day-to-day needs. That flexibility does not extend to the provision of main town centre uses and focusses solely on meeting day-to-day needs. The policy approach is therefore considered to be in general conformity with strategic policies.
LP6	High Quality Design	Achieving high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality forms part of the District Council's approach to design as per its <b>Local Plan Part 1 Policies STR1 &amp; ENV3</b> and <b>NFNPA Local Plan Policy DP18</b> . The policy seeks to ensure that the content of the adopted SPD and other design guidelines continues to carry weight within the system as its content remains relevant and leads to better design outcomes. The policy approach is therefore considered to be in general conformity with strategic policies.
LP7	Meeting the Needs of Local Young People	<b>The District Council's Local Plan Part 1 Policy HOU1</b> on housing type, size, tenure and choice states that proposals should improve the diversity of housing choice. It recognises that the existing housing stock of the Plan Area is predominantly 3 and 4 bedroom homes and that a turnover within the existing housing stock will continue to be the main source of supply for meeting future demand for larger homes. The policy is intended to provide a starting point for proposals in Lymington and Pennington to achieve that aim. This also broadly aligns with the adopted <b>NFNPA Local Plan</b> which includes several policy approaches to increase the stock of smaller dwellings in the National Park, as well as safeguarding the existing stock of smaller dwellings. The policy approach is therefore considered to be in general conformity with strategic policies.
LP8	Green Infrastructure and Nature Recovery Network	Maintaining and where possible, enhancing green infrastructure and achieving net gain are important elements in delivering sustainable development as per the <b>District Council's Local Plan Part 1 Policies STR1, ENV2, Local Plan Part 2 Policies DM2 &amp; DM9 and NFNPA Policy SP6</b> . These policies seek to identify, protect and where possible enhance biodiversity net gain and green infrastructure assets, including the Safer Lanes Network. These policies are therefore considered to be in general conformity with strategic policies.
LP9	Safer Lanes Network	
LP10	Active and Healthy Travel	The <b>District Council Local Plan Part 1 Policies CCC1 &amp; CCC2</b> and <b>NFNPA Local Plan Policies SP54 and SP55</b> support the objective to prioritise and secure safe and sustainable travel. The policy seeks to encourage safe, accessible, convenient and enjoyable means of walking and cycling in the parish and is therefore considered to be in general conformity with these policies.
LP11	Net Zero Carbon	This policy complements and updates the <b>District Council's Local Plan Part 1 Policy IMPL2, Local Plan Part 2 DM4 and NFNPA</b>

	Building Design	<b>Local Plan Policies SP1 &amp; SP11</b> which seek to ensure that developments meet certain standards, to bring this policy context up to date with contemporary thinking and to align with national climate change policy through seeking to avoid the performance gap that has emerged within the industry. The policy is therefore considered to align itself with the original intent of strategic policies and therefore in general conformity with them.
LP12	Urban Greening and Canopy Cover	Maintaining and where possible, enhancing green infrastructure is an important element in delivering sustainable development as per the <b>District Council's Local Plan Part 1 Policy STR1, Local Plan Part 2 Policy DM9 and NFNPA Policy SP6</b> . This policy seeks to ensure that tree cover, and other green infrastructure provision, forms part of future proposals. The policy is therefore considered to be in general conformity with strategic policies.
LP13	Digital Communication Infrastructure	This policy seeks to encourage the provision of the new digital communications infrastructure that will drive technological advancements necessary to support new business and homes. This is in line with the <b>Local Plan Part One Policy STR8</b> , as it supports the provision of adequate infrastructure to meet the needs of current and future residents.

## 6. CONDITION (F): COMPATABILITY WITH EU-DERIVED OBLIGATIONS

6.1 As set out in Section 4 the Town Council has met its obligations in relation to the retained EU Directive 2001/42 in respect of assessing the potential for significant environmental effects of the policies of the Neighbourhood Plan. The Final SA Report is published as a separate document for submission and examination.

6.2 The Town Council has also met its obligations in relation to the habitats provisions of retained EU Directive 92/43/EEC (and the associated Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended)). In this regard, a Habitats Regulations Assessment report which concludes that the making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the 2017 Regulations) either alone or in combination with other plans or projects is published alongside the Neighbourhood Plan.

6.3 The Town Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

6.4 In respect of Directive 2008/98/EC – the Waste Framework Directive – the Neighbourhood Plan does not include any policies in relation to the management of waste, nor does the area include a waste management site. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

6.5 In respect of Directive 2008/50/EC – the Air Quality Directive – the Neighbourhood Plan includes some policies relevant to Air Quality. These policies are tested in accordance with national policy and guidance relevant to their content. The policies are not considered to breach the requirements of the Air Quality Directive as they comprise small-scale interventions and do not negate from the framework for measurement and improvement of air quality set in the Directive.

## **7. CONDITION (G): OTHER PRESCRIBED CONDITIONS**

7.1 As set out in Section 4 the Town Council has met its obligations in relation to the Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended). A Habitats Regulations Assessment Report is published alongside the Neighbourhood Plan.

## 7. SUMMARY

7.1 In Section 3 it is considered that each of the policies have had full regard to national policy, with no incidences of two or more national policies being in tension, nor of the Town Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (a).

7.2 In Section 4 it is considered that each of the policies either contributes to the achievement of sustainable development or is neutral in its impact on one of more of the three sustainability themes. As a result, the Neighbourhood Plan, as a whole, meets Condition (d).

7.3 In Section 5 it is considered that all of the policies are in general conformity with the strategic policies of the adopted development plan, with no incidence of two or more strategic policies being in tension, nor of the Town Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (e).

7.4 In Section 6 & 7 it is considered the making of the Neighbourhood Plan accords with all retained EU-derived environmental and other obligations. As a result, the Neighbourhood Plan, as a whole, meets Condition (f) & (g).