

A	 New Forest DISTRICT COUNCIL New Forest District (outside the National Park) Local Plan 2016 - 2036 Part1: Planning Strategy Publication Version - Representation Form	Ref: (For official use only)
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Name of the Local Plan to which this representation relates:

New Forest District (outside the National Park) Local Plan 2016 - 2036 Part1: Planning Strategy
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Please return by midnight on Sunday 12 August 2018 to: localplan2016@nfdc.gov.uk or by post to: Policy and Plans Team, New Forest District Council, Appletree Court, Beaulieu Road, Lyndhurst, Hampshire, SO43 7PA

This form has two parts:

Part A – Personal Details

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

*If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

Title	Mr	
First Name	Bruce	
Last Name	Tindall	
Job Title (where relevant)	Chairman	
Organisation representing (where relevant)	Pennington and Lymington Lanes Society	
Address Line 1	Longford	
Address Line 2	Lower Pennington Lane	
Address Line 3	Pennington	
Postal Town	Lymington	
Post Code	SO41 8FU	
Telephone Number		
Email Address (where an email address is given, this will be used as the primary means of contact)	pennandlymlanes@gmail.com	

Signature: *Bruce Tindall*

Date: 8 August 2018

Would you like to hear from us in the future?

I would like to be added to the database to receive updates on the Local Plan

Please do not contact me again

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Part B – Please use a separate sheet for each representation

(Part A MUST also be completed)

Name or organisation: Pennington and Lymington Lanes Society

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is: *(Please tick as appropriate)*

4. (1) Legally compliant	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox" value="x"/>
4. (2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox" value="x"/>
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Overall Strategy and Sustainability

Summary

1.0 The Local Plan is based on an unjustified strategy, supported by a flawed sustainability appraisal which places development in an unsustainable location close to the areas of greatest environmental and ecological sensitivity between the site and the Solent and adjacent to and partially within the New Forest National Park contrary to the principles of its designation.

Representation

1.1 PALLS recognise the need to provide new housing and the significant challenge placed on Councils to seek to meet the objectively assessed need for housing, and to balance that need against environmental constraints and other factors. However, in allocating strategic site 6 the plan fails to deliver sustainable development (NPPF para 151) and will not achieve a net environmental gain, rather a serious net environmental loss (NPPF para 152).

1.2 Strategic policies should set out a clear strategy for accommodating objectively assessed needs in a way that makes as much use as possible of previously developed or "brownfield" land. This is consistent with the advice in paragraph 17 of the 2012 NPPF and strongly reinforced in paragraph 119 of the 2018 NPPF. This is especially critical within a District heavily constrained by landscape, nature conservation and Green Belt designations. Whilst the Council have undertaken two calls for sites (one of which was for brownfield land only) it does not appear that they have undertaken an Urban Capacity Study to identify the potential for development on previously developed land.

1.3 The evidence base, Green Belt Study, Sustainability Appraisal (SA) and Habitats Regulation Assessment on which the Plan is based are flawed as set out in detail throughout the PALLS representations. Lack of site specific studies in relation to ecology, drainage and flooding, traffic impact and non-compliance with the Council's own adopted supplementary planning guidance all indicate that an unsound approach has been taken to the plan with regard to the allocation of land to the east of Lower Pennington Lane and the proposed removal of the site from the Green Belt through Appendix D, D8.

1.4 As demonstrated elsewhere in our representations, Strategic Site 6 is strongly performing Green Belt. The Council's chosen strategy is not to release Green Belt that performs strongly or relatively strongly. Para 9.17 Scenario 2 of the SA states that 'the release of weak to moderately performing Green Belt sites does not introduce significantly more development near to the National Park or other more sensitive areas..' This is not correct as the allocation of Strategic Site 6 would require development right up to and within the New Forest National Park, and closer to the areas of greatest ecological sensitivity.

1.5 Land identified in Policy SS6 is not considered to be a sustainable location for

housing as set out in detail in the PALLS representations. It is also considered that the conclusions of the Green Belt Study have incorrectly led to the omission of some more sustainable housing sites that were originally identified by the Council in their Consultation Draft Plan and thus the plan is unsound.

1.6 Paragraph 99 of the NPPF says that ‘New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.’ Development of housing on low lying land in close proximity to threatened salt marshes and with the constant threat of sea level rise is not consistent with this advice.

1.7 The SA for SS6 makes no mention of air quality under objective 3. The individual parcel assessments state that the site is unaffected by safety or pollution hazards but the Council have failed to demonstrate that the plan as submitted will not result in air quality levels that breach air quality standards.

Sustainability Appraisal (SA)

1.8 The submitted SA is unsound and it has not been demonstrated that it complies with the legislative requirements. The detailed Land Appraisals (Document 4 of the SA) for the parcels making up Strategic Site 6 - LO20, LO21, LO22 and part of LO23 contain factually incorrect statements. The robustness of the SA is critical for consistent assessment as recognised in para 2.77 in the SA (page 12) and the SA cannot be relied on in this regard. Some examples are given below:

1.9 Under objective 2 Accessible opportunities, facilities and services, for parcel LO21 the Council state that the parcel ‘is well connected to facilities by existing surfaced footpaths and cycle routes.’ There is no existing surfaced footpath anywhere within or adjacent to the parcel. The closest surfaced footpaths are on the A337 Milford Road north-west of the site and in Rookes Lane, north of the site. For the adjacent parcel LO22 the Council notes the parcel ‘Has an unsurfaced footpath requiring offsite enhancement’. It is not clear whether this comment refers to the public right of way which crosses the site or to Lower Pennington Lane which has no footpath, unsurfaced or otherwise. The two comments are inconsistent with each other given the parcels abut each other. Criteria comments for each parcel LO20, LO21, LO22 are identical and all are incorrect. None of these three individual land parcels have development on three sides, which would be evident from a cursory site visit.

1.10 The assessment is neither objective nor consistent with other parcels. For example, parcels LO20 and LO21 abut the boundary with the New Forest National Park. Under objective 7 Protecting Townscape and Landscape, the Council notes in relation to parcel LO21 that the site adjoins the National Park on its southern boundary but not for parcel 20 which also adjoins the National Park.

1.11 Appendix 4 of the SA Policy Assessment Matrix for Objective 7b. Protecting Landscape and Townscape - Green Belt notes under Criteria 7E Possible Indicators

- Applications refused due to Green Belt.

The Council has failed to take account of both appeal decisions rejecting development of SS6 on Green Belt grounds and local plan inquiry inspector's reports rejecting site allocation on the same grounds. Details are contained within our representations on Green Belt and Landscape.

1.12 This is an indicative, not an exhaustive list but serves to cast doubt on the objectivity and reliability of the SA.

Sustainability Appraisal (SA) of Strategic Site Policies

1.13 The Sustainability Appraisal of Strategic Site 6 (Page 122 of the SA Appendices) is flawed for the following reasons;

1.14 Objective 1: There is no certainty that the site will be able to deliver 50% affordable homes in terms of site viability in view of inadequacy of the existing road network and need for significant off-site works (subject of course to the proviso that such works are unlikely to be possible given the narrowness of the lane, environmental constraints and the need for private land beyond the control of the site owner or planning or highways authorities.)

1.15 Objectives 2 and 3: fail to acknowledge the absence of adequate and safe access to facilities in Lymington and the inability to provide this without harmful environmental consequences; see separate representation on Highways and Transport.

1.16 Objective 4; A thriving economy. The Council has failed to take account of the fact that the development of SS6 would result in the loss of a viable business - Northfield Nursery. There is no justification for this anywhere within the plan and this part of the allocation would conflict with Policy 22 for the Retention of employment sites and

consideration of alternative uses and SA objective 4. The SA (page 106) states that this criteria is 'Not applicable at strategic site selection stage for green field locations except where development would appear to result in the loss of a viable business - Loss of an apparently viable business would result in a low score for the site.' (our emphasis). This is acknowledged in the SA for parcel LO23 of which Northfield Nursery forms a part. The Council have failed to acknowledge this in their SA of Strategic Site Policies, Appendix 6 for Strategic site 6 (page 122) where they score objective 4 as a positive impact on a general comment which could apply to any site in the district. Site SS6 should score negatively on Objective 4.

1.17 Northfield Nursery is a long-standing agricultural business, a fact which was confirmed by the evidence submitted in support of a planning application ref 13/098287 to the NFNPA for an agricultural worker's dwelling immediately adjacent to the nursery and within the National Park which describes the use as long-established. The application was approved on appeal and completed in 2015 and is now occupied by the owner of the nursery. Paragraph 12 of the inspector's decision (attached at Appendix 1a) states, 'The appellant has plans for further investment in the current site, complementing the investment which has already taken place. Remaining on its current site would provide an opportunity for the business to prosper, thereby complementing the Framework's objective, as set out in paragraph 28, to promote a strong rural economy, and the statutory duty upon the Authority to foster the economic and social well-being of the local communities within the National Park.'

1.18 The Council has failed to take account of a viable business in the SA scoring of site SS6 and to justify the loss of an established employment use in terms of Policy 22. If the allocation of land surrounding the site would result in the loss of a viable business this must weigh against the allocation of the remainder of the site.

1.19 The Council have offered no explanation for including land which fails their own sustainability appraisal within a proposed housing allocation.

1.20 Objective 5: The mitigation (SANGS) land will be ineffective (see separate representations on Nature Conservation) and will result in both existing and new residents travelling to the more ecologically sensitive areas of the sea wall or further into the National Park for dog exercise and other informal recreation, increasing pressure on these ecologically sensitive areas.

1.21 Objective 6: does not acknowledge the contribution the site already makes to public recreation and enjoyment which will be lost.

1.22 Objective 7a: development will have a harmful effect on the character and landscape of the lanes which cannot be mitigated by landscaping - see separate representation on Highways and Transport.

1.23 Objective 7b: is not based on a proper and accurate assessment of the importance of the site in Green Belt terms; see separate representation in relation to Green Belt and Landscape.

1.24 Objective 10a: incorrectly describes the site as being in an accessible location when the access is via narrow country lanes with no safe pedestrian or cycle routes and no opportunity for improvement without harmful environmental consequences; see separate representation on Highways and Transport.

1.25 Given these flaws, it is not accepted that it has been demonstrated that the SA in respect of SS6 is compliant with the principles set down in *Satnam Millenium Ltd v Warrington BC* [2015] EWHC 370 (Admin) or Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004.

(Continue on separate page /expand box if necessary)

6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the matter you have identified at 5 above. (NB Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally

compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Council have failed to fully and properly assess the environmental consequences of development of SS6 on the lanes and the protected landscape and ecologically sensitive areas to the south together with the risks from the consequences of climate change. The Council could and should have proposed development instead on land which is of a lower landscape quality, less environmentally sensitive and further away from the New Forest National Park if they think it appropriate to meet the need they have identified notwithstanding the qualification on that requirement provided for in paragraph 47 of the NPPF.

In order to make the Plan sound, policy SS6 should be deleted together with the proposed re-alignment of the Green Belt boundary and Settlement boundary contained in Appendix D: Policies Map changes D.8.

In order to make the Plan legally compliant, if SS6 is not to be withdrawn it will be necessary to go back to the regulation 18 stage to ensure proper consultation and formulation of the Plan.

(Continue on separate page /expand box if necessary)

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No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

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To explain and support in discussion the detail of this representation. Our evidence contains detailed technical and supporting information and legal points and attendance at the oral examination may assist the inspector's consideration of these matters. Further information in support of the matters raised in these representations (arising from the inadequate consultation undertaken in respect of SS6) may need to be presented. Participation by PALLS, who represent over 600 people may assist with the efficient and effective running of the examination by reducing the number of people seeking to participate and it is also necessary to ensure that the views of this very significant number of people are made clear to the inspector with regard to the soundness and legal compliance requirements.

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Name or organisation: Pennington and Lymington Lanes Society

3. To which part of the Local Plan does this representation relate?

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Failure to consult

Summary of representation

2.0 The Plan has not been prepared with the participation of the local community and the basis on which alternative sites have been compared is flawed. This has resulted in, or at least significantly contributed to, the Plan not being based on an appropriate strategy, let alone the most appropriate one, and not being justified as required by the legislation and the NPPF.

Representation

2.1 The Council has failed to consult with the community regarding the development of this site until this, the very last stage. In particular the formal consultation on the draft plan in relation to this site (the Initial Proposals Consultation) was flawed. The purpose of consultation is to ensure that the consultation responses can influence the content of the plan in a meaningful way rather than a planning authority settling on an approach first and then applying post-hoc justification notwithstanding the merit of the representations. The Council's own Statement of Community Involvement states (at para. 5.1) that the NPPG requires that Local Plans are prepared with meaningful engagement and collaboration with neighbourhoods.

2.2 Further, public law principles require (whether there is a legislative requirement for consultation or not) that consultation on a policy document embarked upon is carried out properly and at a time when proposals are still in the formative stage. The Aarhus Convention also requires early public participation and thus when all options are still genuinely open.

2.3 The Council changed their housing strategy having not initially allocated the site as a strategic site and so the community have had no opportunity to comment until now. This is in breach of the above principles and unfair, unreasonable and at odds with the statement in paragraph 55 of the National Planning Policy Framework about essential early and meaningful engagement with neighbourhoods (and para 16 of the revised NPPF about 'early, proportionate and effective engagement between plan-makers and communities'.)

2.4 Nowhere within the Council's Initial proposals for public consultation from 15 July to 16 September 2016 (Regulation 18 consultation) did the Council identify the land for housing development. None of the documents now listed on the Council's website under the Regulation 18 consultation (listed below) include the site.

The previous consultation, the Regulation 18 Initial Proposals Consultation documents:

Local Plan Review 2016-2036 Part One: Planning Strategy - Initial Proposals for Public Consultation [9Mb].

Local Plan Review 2016-2036 Initial Proposals consultation summary [652kb].

Potential strategic housing locations [14Mb].

FAQ Local Plan Consultation 2016 [336kb].

2.5 The site is not referred to anywhere in Appendix 8 of the Final Sustainability Appraisal - Comments received in relation to previous consultation on the Local Plan and Sustainability Appraisal and Council response. The Sustainability Appraisal (para 8.23) does not even acknowledge site SS6 as an additional large strategic site despite the fact that it was identified as a potential new site in September 2017.

2.6 In a letter dated 7 June 2018 to a PALLS member (attached at Appendix 2a and Appendix 2b), the Council claim that a reference to an unspecified area 'South of Lymington' in the context of further limited edge of settlement potential development opportunities on smaller sites in the Initial Proposals for Public Consultation document (page 36, paragraph 5.16) constituted consultation with the local community. PALLS strongly disagrees and considers that the decision not to re-consult on the changes to the Council's housing strategy when the site was first identified as a potential new site allocation in a report to NFDC Planning Development Control Committee with the Environment Overview and Scrutiny Panel on 6 September 2017, 10 months before the Local Plan was formally amended and approved for Regulation 19 consultation on 6 June 2018 means that the Council have failed to give reasonable opportunity to the community to allow them to have an input into policy preparation.

2.7 In conclusion, PALLS consider that the Regulation 18 consultation was both unlawful and contrary to policy as well as the SCI and the Council should avoid further waste of expenditure and time by either amending the Plan to remove site SS6 or go back to the Regulation 18 stage and consult properly in accordance with both the Local Planning Regulations and public law principles.

(Continue on separate page /expand box if necessary)

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In order to make the plan sound, policy SS6 should be deleted together with the proposed re-alignment of the Green Belt boundary and Settlement boundary contained in Appendix D: Policies Map changes D.8.

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3. To which part of the Local Plan does this representation relate?

Paragraph	9.76 – 9.79	Policy	SS6	Policies Map	Appendix D: D.8
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4. Do you consider the Local Plan is: *(Please tick as appropriate)*

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Impact on Oakhaven Hospice

Summary

3.0 The allocation of Site SS6 is contrary to the advice in Section 8 of the 2012 NPPF and in particular paragraphs 69 and 70 because its development would have a materially harmful impact on the operation of an existing, very important and highly valued health facility (Oakhaven Hospice).

Representation

- 3.1 Objectives 2, 3 and 4 of the Sustainability Appraisal (Accessible opportunities, facilities and services) (Safe and Healthy Environments) and (A thriving economy) fail to take account of the seriously harmful impact of development on an existing key health facility, Oakhaven Hospice which directly abuts the site on three sides and which cannot be adequately mitigated. The Site Concept Masterplan (page 119 of the submitted Plan) shows development concentrated hard up against the northern and eastern boundary of the hospice with a road (secondary vehicle route) forming one of the entrances to the development along the line of the existing entrance to Northfield Nursery. This is also one of two vehicular and pedestrian routes into the hospice and provides access to the in-patient unit and service areas of the hospice.
- 3.2 The Council has taken no account of the nuisance and disturbance which would result both during construction and permanently after development on the effective functioning of the hospice by reason of noise, dust, fumes, nuisance and disturbance from conflict on the access road and from within the development itself. There is no potential to provide an effective buffer because of the constraints of the site, abutting the New Forest National Park. Criterion iii a) of Policy SS6 cannot be satisfactorily achieved without a substantial reduction of the development area. This approach to development so close to a much valued health facility is at odds with the advice in the 2012 NPPF (paragraph 69) that ‘local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see’ and further in paragraph 70 that planning policies should, ‘ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.’

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Impact on New Forest National Park

Summary

4.0 The plan is not effective and not deliverable as it relies on development (construction of a new road) inside the New Forest National Park) outside of the New Forest District Council area which is within the control of another local planning authority (New Forest National Park Authority) and would conflict with the adopted planning policies of that authority.

Representation

4.1 The two National Park purposes as set out in primary legislation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the New Forest; and
- To promote opportunities for the understanding and enjoyment of the special qualities of the New Forest by the public.

4.2 New Forest National Park Authority have advised in a letter and enclosures dated 19 July 2018 to the PALLS chairman which is attached at Appendix 4a, that the only information the NFNPA have provided to the Council (NFDC) in respect of Land to the east of Lower Pennington Lane is an email dated 21 March 2017 in which they state:

‘It is noted that the District Council’s draft Local Plan generally either proposes a degree of separation between housing development and the National Park (e.g. land to the north of Lymington); or required the creation of a landscaped settlement edge which protects the setting and purposes of the adjoining National Park (e.g. land to the east of Ringwood). These requirements are supported and help demonstrate how the District Council has had due regard to the statutory Park purposes. The Authority would have serious concerns regarding the landscape impacts should development boundaries extend right up to the National Park boundary. ‘

‘It is noted that a proposed access for this site would be through the National Park. We would need to discuss this in more detail with the New Forest District Council should they consider the site for Local Plan allocation. Elsewhere in the National Park we have consented an access road to serve a minerals site allocation at Roeshot Hill (which lies outside the National Park), although in that example the access road was required for a time limited development (i.e. the life of the minerals extraction.)’

4.3 The email also refers to SANG provision within the New Forest National Park and states, ‘that the provision of SANG within the protected National Park to mitigate development outside it will only be considered in exceptional circumstances.’

4.4 Policy SS6 notes the adjacent New Forest National Park in criteria b and iii a. Site

Specific Considerations but, unlike the approach to Strategic Site 14 (formerly site Q East of Ringwood) which also abuts the New Forest National Park it includes no reference to have regard to or respect the landscape sensitivities of the adjoining New Forest National Park. Development abuts the National Park along the southern boundary in the form of the southern Lower Pennington Lane road access and the road access from Ridgeway Lane is within the National Park. Two areas of residential development will also extend down to the National Park boundary and large parts of the proposed developed areas will have a material impact on the setting and sensitive landscape of the National Park. The Council have provided no evidence of further communication or agreement with the NFNPA regarding the impact of the development on the protected landscape of the National Park and further detail of the harm PALLS consider the development of SS6 would have on the setting of the protected landscape of the New Forest National Park is set out in our Green Belt and Landscape representation.

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In order to make the plan sound, policy SS6 should be deleted together with the proposed re-alignment of the Green Belt boundary and Settlement boundary contained in Appendix

D: Policies Map changes D.8

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(Part A MUST also be completed)

Name or organisation: Pennington and Lymington Lanes Society

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

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Green Belt and Landscape Capacity

Summary

5.0 The Plan is unjustified because it relies on a flawed Green Belt Study which incorrectly identifies the site as moderate quality Green Belt when it should correctly be assessed as strong. The local plan inquiry inspector in 2004 described the major part of it as ‘clearly part and parcel of the wider countryside around the southern side of Lymington. Its open character contributes to the Green Belt.’

Representation

- 5.1 The Green Belt analysis is flawed in that it does not give appropriate weight both to the contribution the site makes to safeguarding the countryside from encroachment or to preserving the special character of historic towns. The site makes a strong contribution in both areas.
- 5.2 Based on the Council's own approach to release only weak or moderately performing Green Belt, site SS6 should not be allocated. Full supporting evidence is set out in the report from TerraFirma attached as Appendix 5a. The documents listed in the TerraFirma bibliography can be found in the folder Bibliography documents.
- 5.3 Further, Green Belt is clearly a specific constraining policy as identified in footnote 9 to paragraph 14 of the NPPF and applicable to paragraph 47 which only requires the meeting of the objectively assessed needs for housing (market and affordable) *as far as is consistent with the policies in the Framework* which thus includes Green Belt as well as other applicable to the site.
- 5.4 The site is noted in the NFDC Landscape Sensitivity and Capacity Study as highly tranquil. The development of at least 100 homes would destroy that tranquillity and introduce an urban or suburban environment abutting the National Park which has been for a very long time enjoyed by very significant numbers of people living in, visiting and walking in the area being crossed by very well-used public footpaths. A quiet, tranquil area would become a busy, densely developed housing estate with all the commensurate activity, noise and light. The amenity value of the existing footpaths both public rights of way and others established through decades of use would be lost. An attractive and inviting rural pedestrian route linking Lower Pennington to Woodside would be lost.

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Highways and Transport

Summary

6.0 The allocation of Site SS6 is unsustainable because it cannot demonstrate that safe and satisfactory access for all transport modes can be achieved and the Council have failed to demonstrate how the site could be made sustainable without significant harm to the ecology, landscape character and quality of the surrounding lanes as a result of the extensive infrastructure required.

Representation

6.1 The Sustainability Appraisal (SA) states that the following criteria are of high relevance to strategic site suitability. Sites should be:

- Well located to a main public transport route serving a higher order settlement
- Well connected to facilities by footpaths and cycleways
- Adequately served by highways infrastructure appropriate to the form of development
- Provide safe access to the site including by foot/cycle

6.2 The SA assesses the site under criterion 2 as having a positive impact by having access to the range of facilities within Lymington and by being integrated into the surrounding area by connecting to the footpath network and by vehicular access from Lower Pennington Lane and Ridgeway Lane.

6.3 Further detail of the SA is contained in the Land Appraisals documents for each land parcel. The Council have wrongly assessed the land parcels to have surfaced footpath connections where they do not. The Council have presented no evidence to support the statements in these assessments that there is adequate existing highways infrastructure capacity to accommodate the development without significant offsite works and that the parcels appear to have or be able to provide safe and suitable site access (including by foot/cycle). The PPG states that local planning authorities should publish evidence base documents as they are completed rather than waiting until options are published or a Local Plan is published for representations. The Council have confirmed that neither the District nor the County Council (as highway authority) have undertaken a specific highway assessment of the site with the only assessment being a Strategic Transport Network Assessment. There is therefore no assessment to demonstrate that the site and the local road network can satisfactorily accommodate the additional traffic it would generate and whether off-site works necessary to provide a safe access (in highway terms) can be accommodated or would have unacceptable environmental impacts. PALLS consider that strategic site 6 should score as significantly negative impact for both criteria 2 and 3.

6.4 The basis on which the SA has been considered and conclusions drawn is therefore fundamentally flawed and should not be relied on and it has not been demonstrated that it complies with the principles in *Satnam Millenium Ltd v Warrington BC* [2015]

EWHC 370 (Admin) or Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004.

6.5 The site is accessed via two narrow rural lanes with soft verges and drainage ditches along their length. Neither lane has any pedestrian footpath or segregated cycle provision although Lower Pennington Lane is a designated Hampshire County Council recreational cycle route. Both lanes have a 30mph speed limit with limited or no street lighting. Lower Pennington Lane is a cul de sac which serves over 150 properties, excluding Oakhaven Hospice and Hurst View Caravan Park, both of which are significant generators of traffic in their own right.

6.6 Lower Pennington Lane has a constrained carriageway width, between 4.5 and 6.3m and whilst two private cars should, with care, be able to pass each other along most of its length up to the National Park boundary there are several pinch points where cars have to wait for oncoming vehicles. Ridgeway Lane is narrower, between 3.9m and 4.6m and the ditches are closer to the surfaced carriageway and two cars cannot pass each other without slowing or pulling over in places south of the junction with Rookes Lane. There is evidence of overrunning on verges on both lanes and there are instances of vehicles (usually vans or lorries) ending up in the ditch on Ridgeway Lane (see photographs). Problems with surface water drainage and flooding of the highway are significant issues in both lanes.

6.7 Both lanes are heavily used as local recreational routes and Lower Pennington Lane is a Hampshire County Council signed recreational route. Both provide access to the salt marshes, sea wall, and parking areas for circular walks and links to longer-distance walks and cycle rides. For that reason, standard Traffic Assessment approaches focusing on only am and pm peak hours are not appropriate as the peak traffic generation periods for Ridgeway Lane in particular is the weekends.

One day traffic counts have been undertaken in respect of both lanes as follows:

Lower Pennington Lane - 0700 to 1830 on Tuesday 17 July 2018 (data gathered by Fox Pond Lane so excluded traffic movements to the north of this point).

Ridgeway Lane - 0800 - 2100 on Saturday 4 August 2018

6.8 Pedestrian, cycle and vehicle traffic was recorded in both directions to establish traffic volumes and the proportions between different road users. The percentage of pedestrians and cyclists out of total traffic movements recorded using Lower

Pennington Lane was 234 (15%) and even higher at 254 (22%) for Ridgeway Lane which is a high proportion, particularly given the absence of any form of separate provision and indicates the very high use of both lanes for recreational walking and cycling. As there are no pavements in either lane, pedestrians in particular cause additional road narrowing and are particularly at risk when two vehicles pass in the lanes.

6.9 Paragraph 30 of the 2012 NPPF requires local planning authorities to prepare Local Plans which facilitates the use of sustainable modes of transport. The lack of safe pedestrian access in particular will lead to both new and existing residents abandoning sustainable modes of transport and increased car use for shorter journeys which is directly at odds with this advice.

6.10 Paragraph 32 of the 2012 NPPF (para 109 of the 2018 NPPF) requires plans, amongst other things, to ensure safe and suitable access to the site can be achieved for all people. The development of SS6 will substantially increase the traffic flow on both lanes for vehicles, pedestrians and cyclists including service vehicles such as refuse, deliveries as well as cars. The actual generation would depend on the number and type of properties and is not known because no transport assessment has been carried out. The extent of the adopted highway in both lanes is also not known for the same reason. Development of the scale proposed (or higher given the advice in section 11 of the 2018 NPPF (paragraph 123) to avoid homes being built at low densities and to ensure that developments make optimal use of the potential of each site) will create multiple conflicts between existing and new road users because of the physical characteristics of the lanes. There is no scope for widening or otherwise altering the lanes to provide footpaths or segregated cycle provision without fundamentally damaging the character and physical form of the lanes through the loss of verges, culverting of ditches, loss of hedgerows and trees with a permanent and damaging urbanising effect. There is no certainty that there is sufficient land within the adopted highway to carry out any improvement works or whether additional land would need to be acquired, through negotiation or the use of compulsory purchase powers. If the allocation of site SS6 proceeds without information on these matters the Council and the Highway Authority are both neglecting their responsibility to ensure 'safe and suitable access to the site can be achieved for all people' in the terms of the NPPF and there is serious doubt over the deliverability of the site.

6.11 The provision of sightlines of 2.4 x 70m in a 30mph limit (Manual for Streets Table

7.1) are not achievable for the proposed site accesses without the removal of a significant amount of hedgerow and tree cover. For the Lower Pennington Lane north access, these trees form part of a landmark pine group, identified as important in the Council's own adopted Local Distinctiveness Supplementary Planning Document - Area 10 Rural Lanes and are covered by a tree preservation order. The proposal would have a severely adverse effect on protected trees and important hedgerows which could not be mitigated (objective 6). The importance of the lanes and their trees and hedgerows which border them in terms of nature conservation and the harmful impacts of the development in relation to the lanes is covered in PALLS separate representation on this issue.

6.12 The concept masterplan accompanying policy SS6 shows only one footpath east from the developed area through an existing (rarely used) field gate onto Ridgeway Lane and thence via an unspecified route to Woodside Park. But the supporting text, para 9.76 states,

‘The main pedestrian access towards the town centre should be provided via Woodside Lane and Forest Gate Gardens.’

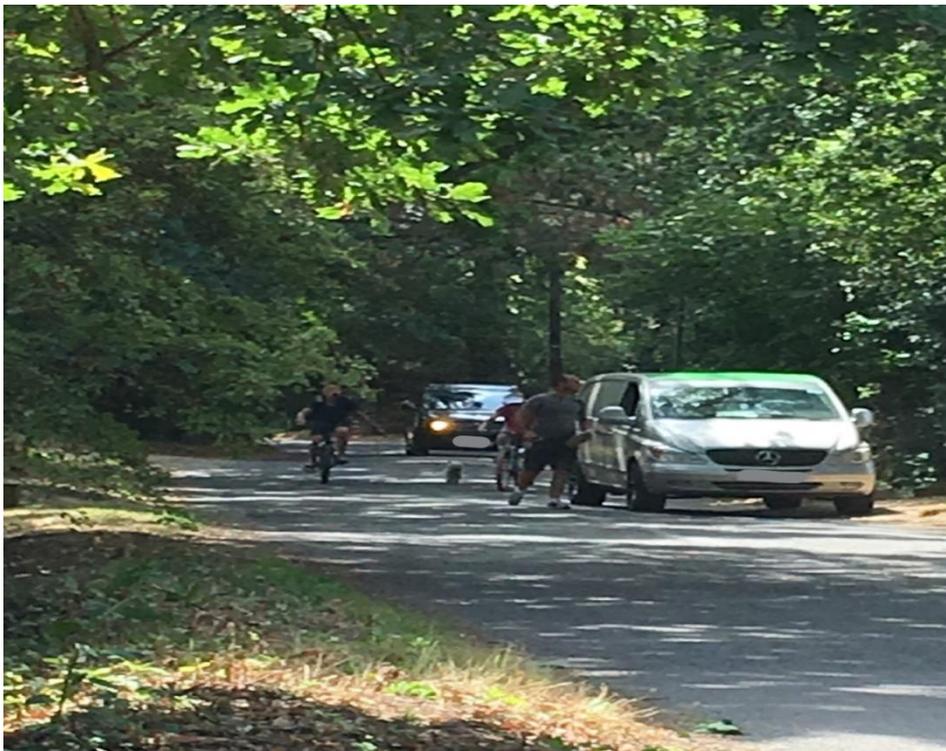
Woodside Lane is on the far side of Woodside Park and to get to it one would need to either walk across Woodside Park which only has surfaced footpaths around part of the perimeter or walk the full length of Poles Lane which connects into Woodside Lane. Neither would be direct routes to the town centre.

6.13 Forest Gate Gardens is a cul de sac, serving 20 properties and does not have a separate pedestrian footpath for its full length which terminates in a hammerhead and an area of amenity land beyond with a mature tree and hedgerow belt between it and site SS6. There is no indication on the plan as to how a pedestrian access is proposed across this land and the land is not controlled by the site promoter but by Lyminster and Pennington Town Council who have publicly stated that ‘the land will not be available for any purposes of development.’ The pedestrian access proposals for SS6 in paragraph 9.78 of the plan are illogical and undeliverable.

Ridgeway Lane



Lower Pennington Lane



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In order to make the plan sound, policy SS6 should be deleted together with the proposed re-alignment of the Green Belt boundary and Settlement boundary contained in Appendix D: Policies Map changes D.8

In order to make the Plan legally compliant, if SS6 is not to be withdrawn it will be necessary to go back to the regulation 18 stage to ensure proper consultation and formulation of the Plan.

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Nature Conservation

Summary

7.0 The allocation of Site SS6 will have a harmful impact on the internationally designated wildlife sites of Solent and New Forest and the mitigation proposed is inadequate and will be ineffective and compliance with the relevant Directives and Regulations as well as policy has not been demonstrated.

Representation

7.1 See objection by Jonathan Cox on behalf of PALLS attached at Appendix 7a.

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