

NEW MILTON

NEIGHBOURHOOD PLAN REVIEW

Modification Proposal Statement

Prepared in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

SEPTEMBER 2025

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1. Introduction

1.1 As the 'Qualifying Body', New Milton Town Council ("the Town Council") proposes to modify the made New Milton Neighbourhood Plan ("the made Plan") of 21st June 2021. This Statement is submitted with the final version of the modified Neighbourhood Plan, ("the Modified Plan") alongside a Modification Proposal, a Basic Conditions Statement and a Consultation Statement, in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

1.2 The Town Council considers that the proposals represent material modifications to the Made Plan, but they are not considered so significant or substantial as to change the nature of the Made Plan. In which case, the modifications may be made without a referendum in accordance with the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017/1243. Regulation 14 of the amended 2012 Regulations requires:

"in relation to a modification proposal, a statement setting out whether or not the qualifying body considers that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion".

1.3 This Statement serves this purpose and notes the following additional requirements in the Planning Practice Guidance (PPG):

- the qualifying body must (at the pre-submission publicity and consultation stage and when the modified plan is submitted to the local planning authority) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons
- the local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. The local planning authority must also submit a copy of the original plan to the independent examiner
- the qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan

1.4 In accordance with the requirements of the PPG as stated above¹, this document is therefore setting out the background reason to this modification, sets out what the modification is and will set out the reasons as to why the Town Council (with the full support of the New Milton Neighbourhood Plan Steering Group) believe that this modification of the plan is not so significant or substantial as to change the nature of the plan.

¹ Paragraph: 085 Reference ID: 41-085-20180222

2. Background

2.1 The made Plan covers the period 2016 - 2036. The designated neighbourhood area covers the same area as the Town boundary. On 21 June 2021 it was agreed by New Forest District Council to 'make' the New Milton Neighbourhood Plan, following a referendum held on Thursday 6 May 2021. The Neighbourhood Plan was also adopted by the New Forest National Park Authority on 1 July 2021 for the part of the parish within the National Park.

2.2 The results showed that 87.9% of the ballots cast voted 'Yes' (on a turnout of 35.7%)

2.3 There are a number of reasons for the Town Council proposing to make modifications.

2.4 Firstly, given the announcement in early 2024 by New Forest District Council (NFDC) that it was proceeding with a full review of the Local Plan, it was felt timely to update the made Neighbourhood Plan to take account of the emerging new Local Plans at both New Forest District Council and the New Forest National Park Authority.

2.5 The Town Council recognised New Forest District Council was going to be under increasing pressure to find additional land for housing as part of the Local Plan review and as such would likely need to undertake a Green Belt review as part of the process. Given the proposed changes to the NPPF in summer 2024, confirmed December 2024, this is now a mandatory requirement and with the significant uplift in housing numbers resulting from the change to the standard method calculation, the Neighbourhood Plan review was strongly motivated to revisit the brownfield sites contained within the made Neighbourhood Plan to see how to maximise the brownfield first approach to development to reduce the amount of green belt release required through the Local Plan.

2.6 The changes to the NPPF and standard method figures have resulted in a delay to the Local Plan timetable which is seeking to undertake a Regulation 18 consultation at the end of 2025, with submission for examination in December 2026; adoption is therefore likely to be in around 2.5 years time. As a result, there is increasing pressure on the Green Belt both within the New Milton Neighbourhood Plan boundary and outside, with the introduction through the 2024 NPPF of the concept of the "grey belt". Given that New Milton is considered a large built up area, with no current Local Plan in Place (adopted July 2020) no five-year housing land supply (2.39years) and a low housing delivery rate (75%), unplanned applications within the Green Belt are highly likely to come forward as "grey belt" in advance of new Local Plan. As such, the neighbourhood plan review wishes to put in place a number of new policies, alongside modifications to some existing policies, to ensure all new development is of a high quality, sustainable, low carbon and meets the needs of the local community.

NFDC have confirmed they are not able to provide an indicative housing number at this time and so the existing Local Plan figure to be delivered through the Neighbourhood Plan (approx. 200) has been taken as a starting point as it was in the made Neighbourhood Plan. However, given the overall increase across the NFDC area, a pragmatic approach has been taken by the Town Council and the Steering Group, with the Neighbourhood Plan identifying opportunities for nearer 400 homes.

2.7 Turning to the policies themselves, the made Plan has been used in determining planning applications and in the light of the lived experience some issues have been raised in respect of application of the policies. In particular, the Town Council considered that Policy NM4 on Design required visual clarification to set out the local community's expectations. This has been achieved through the production of a New Milton Design Guidance and Codes document, based on the National Model Design Code.

2.8 In addition, the Town Council wished to recognise the Area of Special Character through the Neighbourhood Plan. Some of the buildings contained within it are included within the made Plan

(Policy NM10) it was felt with an increasing emphasis on brownfield and in particular town centre redevelopment and again with the lived experience of planning applications within this area, the creation of a policy to highlight this important area and how redevelopment can work alongside preservation would be timely.

2.9 The modification also takes the opportunity to signal New Milton Town Council's support of actions which will help to mitigate the impact of climate change, having declared a climate emergency in 2019 (too late for inclusion in the Made Plan which was at Submission stage at the time) Reference was made in the made Plan to climate change standards of design, but only a single line entry in policy NM4; the modification allows the Town Council to develop and strengthen this policy area.

2.10 The review of the Neighbourhood Plan has also provided the Steering Group the ability to seek to draw out and strengthen individual elements of the vision for the Plan.

The vision of the Made Plan remains unaltered:

A more vibrant town centre. Up to half could see the opportunities that new housing could have to make positive changes for everyone; a more vibrant town centre with character – that stays alive in the evening with restaurants and family pubs.

b. Affordable homes for youngsters and 2-3 bed family homes.

c. Jobs: Greater employment opportunities of a better quality and variety.

d. Health & Wellbeing: Most people are happy with their health care now but can see that more clubs for friendship and activities and better cycle and walkways would improve health and wellbeing.

e. Infrastructure requirements prioritised provision of increased healthcare, education and traffic management. Over half of respondents were not happy with traffic flow, particularly in the town centre, and over 200 suggestions for road improvements were made.

2.11 Overall, the proposed changes to the Neighbourhood Plan allow the plan to better emphasise and clarify the golden thread of sustainability for New Milton as a town which responds to its local heritage and its setting between coast and forest, creating better connections for wellbeing, active travel and biodiversity. It also ensures that the parish can positively respond to a national agenda which seeks to promote brownfield first development, whilst maintaining a well-balanced and resilient community which provides opportunities for jobs, affordable housing, healthy living and promotes a town centre that is commercially viable but socially vibrant.

3. Modification - The 'Change the Nature of the Plan' Test

Modified Policies.

3.1 The Town Council considers that, although material, the proposed modifications do not individually or collectively change the nature of the Made Plan.

3.2 There is no change to the overall spatial strategy and Policy **NM1 A Spatial Plan for New Milton** is unaltered.

3.3 In relation to **Policy NM2 Diversifying Housing**, the proposed modification retains the previous objective of this policy, that being to promote homes particularly suitable for first time buyers or those looking to rent a home. Without intervention, half of the population of New Milton will be over 65 within the next 10 years. The aging population trend does not attract younger residents to the town, which in turn will lead to issues with availability of employment opportunities, viability of educational establishments etc.. The town has to be a location to welcome all ages to ensure the town is sustainable and vibrant. Since the original neighbourhood plan was made, there have been two

applications of over 100 homes and viability constraints have been cited as a reason not to comply with the policy in its current form. (Strategic Site SS10 Land east of Brockhills Lane and SS11 Land South of Gore Road)

The 2025 Housing Needs Assessment (HNA) for New Milton indicates that affordability is an increasingly acute problem for younger people. As such, the proposed 50% threshold for small dwellings (Clause C) in schemes of five or more homes is grounded in robust local evidence indicating a significant demographic imbalance and housing mix deficiency. Many smaller homes are used as second homes or are within age restricted settings and therefore not available on the open market. By setting a clear, proportional benchmark for smaller dwellings, the policy seeks to rebalance housing provision, encourage retention of younger residents and key workers, and promote a more socially sustainable community, in line with national policy provisions

Further, whilst Clauses A and B mirror the provisions of the Local Plan and would not usually be duplicated, in this instance the Local Plan policy is now considered out of date and therefore reference to it alone may not be relied upon. (There have been examples where a Neighbourhood Plan policy is considered inapplicable where it references an out-of-date Local Plan policy.) In addition, the 2025 HNA recommends the mix in Clause B as appropriate for New Milton.

Clause D reflects what has become commonplace in many Local Plans, where the policy has responded to the government proposals in 2022 to the change Part M of the Building regulations (but not implemented) to ensure new properties can meet the needs of the community especially as they become older, ensuring they can adapt their own home, rather than the town needing to build increasing numbers of care homes or force people to move away from the parish. Again, trying to balance the overall demographic mix. Whilst the changes to the policy are material, they are considered to reflect the original objectives of the policy in terms of diversifying housing and therefore do not change the nature of the Plan.

3.4 In relation to **Policy NM3 Land East of Caird Avenue**, the proposed modifications reflect the delivery of retail on the site carried out since the NP was made, the update to the use class order and the willingness of the landowner to offer an appropriate alternative site for relocating the proposed developments in NM8 Health and Wellbeing Centre and NM9 Business and Innovation Centre. A material change given the new location but not considered to change the nature of the plan. The modification also takes the opportunity to make the reader aware of the safeguarding requirements of Hampshire County Council in respect of minerals and waste.

3.5 In relation to **Policy NM4 Design Quality**, the proposed modification to this policy ensures the reader is made aware of the recently prepared New Milton Design Codes and guidance, which seeks to add visual clarity to this policy. The introduction of the Design Codes and Guidance is considered a material modification which does not change the nature of the plan.

3.6 In relation to **Policy NM5 Town Centre Regeneration**, the modification seeks to strengthen a number of the sites identified in the made plan by elevating them into the main policy wording (they were supporting text previously) The site allocations are consistent with the Made Plan, i.e. brownfield only and do not introduce any sites which materially affect the spatial approach in the Made Plan or alter the settlement hierarchy. They do not change the nature of the plan.

3.7 In relation to **Policy NM6 Heritage and Information Centre**, this is a minor (non-material) amendment to reflect the change in the Use Class Order (2020)

3.8 In relation to **Policy NM9 Business and Innovation Centre**, this policy is being deleted as the location within the Made Neighbourhood Plan is no longer available for this purpose. As such the intention is to relocate the proposed Centre to Caird Avenue which is already allocated for employment use. It is therefore does not change the nature of the Plan.

3.9 In relation to **Policy NM10 Buildings of Local Heritage and Townscape Value**, two additional buildings of heritage value are added to the policy following the review of the proposed Area of Special Character (NM25) (25 – 27 Station Road) and a review of the Town Centre Regeneration (NM5) (Post Office Sorting Office) where these were identified. This is considered a material change but does not change the nature of the Plan.

3.10 In relation to **Policy NM12 Walking and Cycling**, the modified policy and updated policy mapping refines wording in the light of experience to aid in their understanding and implementation, emphasising the desire to improve active travel connectivity across the parish to reduce reliance on use of the private car. It also uses updated evidence in the form of the draft Local Cycling and Walking Infrastructure Plan to map additional opportunities, including the Green Loop but does not significantly alter the policy intent. It is therefore considered material but does not change the nature of the Plan.

3.11 In relation to **Policy NM13 Barton on Sea**, the modification to this policy ensures the reader is made aware of the recently prepared New Milton Design Codes and guidance, which seeks to add visual clarity to this policy. The introduction of the Design Codes and guidance is considered a material modification which does not change the nature of the Plan.

3.12 In relation to **Policy NM14 The Rural areas in the National Park**, the additional policy wording is designed to strengthen but not significantly alter, the policy intent to protect the areas of the plan within the New Forest National Park from inappropriate development. Whilst it adds a spatial element to the policy, it does not alter the spatial strategy (NM1) and is considered a material modification which does not change the nature of the Plan.

3.13 In relation to **Policy NM15 Employment**, not all brownfield sites are suitable for change of use to residential and the policy reinforces this through the identification of sites which are considered essential to remain as employment sites to ensure a balanced community given their location and active use and to mitigate for the loss of other brownfield sites identified within NM5 and NM24. The existing employment policy is therefore strengthened through this additional wording to safeguard these locations. It is however, entirely consistent with the spatial strategy of the made Plan. It is therefore a material modification which does not change the nature of the plan.

New Policies.

3.14 Six new policies are proposed, either to expand or refine policies in the made Plan to aid their implementation or address issues that have emerged which should be addressed in new development. The policy areas are all consistent with the made Plan.

3.15 In relation to new Policy **NM20 Biodiversity**, the proposed policy builds on the existing policy wording contained in the made Plan policy **NM4 Design Principles** which demonstrates the importance of green infrastructure and reflects the setting of the parish between the sea and the forest. Whilst it is considered a material change, it does not change the nature of the plan.

3.16 In relation to new **Policy NM21, Energy Efficiency**, the proposed policy is a signal of support for actions that will mitigate the impact of climate change. It reflects support for existing development plan policies, but as it is such a nationally and globally important issue, was felt could not be absent from a neighbourhood plan document. It extends the climate change policy wording contained within made Plan Policy **NM4 Design Principles** and whilst is considered a material change, does not change the nature

of the plan. The policy does not set a local energy efficiency standard (notwithstanding the recent Court of Appeal judgement *R (Rights Community Action Ltd) v Secretary of State for Housing, Communities and Local Government* EWHC 1693 (Admin) which states that the Written Ministerial Statement of December 2023 is not a legal barrier for setting higher standards) but it does seek to incentivise high standards by releasing such schemes from a post-occupancy evaluation. The post occupancy clause of the policy is intended to try to deal with the performance gap, not set a particular standard. Schemes can continue to choose whichever energy efficiency standard they see fit. Post-occupancy evaluation simply provides a procedure for schemes to demonstrate that their schemes are performing the way in which they anticipated at the design stage. The purpose of the policy is to incentivise developers to choose higher standards which are guaranteed will not fail in this way.

3.18 In relation to new **Policy NM22 Maintaining and Enhancing the Conservation Area**, this proposed policy leads on from **NM21 Energy Efficiency** in seeking to support retrofitting for existing housing stock in support of energy efficiency but in the Conservation Area when planning permission is required. As part of the evidence base review and work for NM24 Brownfield Sites, it became apparent that there are some brownfield sites within the conservation area which would provide the opportunity improve and reinforce the setting of it through their redevelopment; the policy therefore indicates support for such proposals. As with NM21, it supports national policy and does not change the nature of the made plan.

3.19 In relation to new **Policy NM23 Local Shops**, this proposed policy seeks to protect, where possible within permitted development rights, the significant number of dispersed local shops and parades which provide local communities with convenience shopping within walking and cycling distance. It therefore re-enforces and supports **NM12 Walking and Cycling** in the made Plan. Whilst **NM5 Town Centre Regeneration** is clear seeking to enhance and reinforce the role of the Town Centre as the focal point for retail but also for a mix of community, residential and social uses, NM23 appreciates the overall geographical size of the parish and seeks to reduce use of the private car for short journeys through support for Local Shops without taking away from appropriate town centre functions. It is therefore considered a material change but does not change the nature of the Plan.

3.20 In relation to new **Policy NM24 Brownfield Sites**, this proposed policy is consistent with **NM1 Spatial Strategy** and extends the Brownfield work undertaken for **NM5 Town Centre Regeneration**, outside of the town centre but still within the built-up areas of the parish. It is therefore considered a material change but does not change the nature of the Plan.

3.21 In relation to new Policy **NM25 Area of Special Character** this proposed policy builds on existing Policy **NM10 Buildings of Local Heritage and Townscape value**, considering the wider environs of the buildings identified in the made Plan. When the made Plan was written, the Town Council had previously commissioned a report to consider whether the now proposed ASC could in fact be considered by NFDC as a new conservation area. This has not been progressed and as such, through updating the original report it is felt that whilst the intention remains the same, by creating **NM25 Area of Special Character**, it not only strengthens NM9 but also seeks to address how **NM5 Town Centre Regeneration** can function as a policy within this identified area to demonstrate that preservation and regeneration can work together. It is considered that this is a material change to the made NP but does not change the nature of the Plan.

3.22 The modifications to nine policies, deletion of one policy and the introduction of six new policies are considered to remain within the spirit and stated intentions of the original policies and thus is not so substantial nor so significant to warrant consideration as a change to the nature of the plan.

3.23 At this submission stage NFDC and NFNPA have indicated that they are not in a position to agree with this statement and reserve the right to advise the independent examiner at the appropriate time that in their view the modified plan may potentially be subject to local referendum. However, both authorities views will be sought in advance of the submission stage to confirm if this remains their position.

Strategic Environmental Assessment and Habitat Regulations Assessment

3.24 NFDC and NFNPA confirmed in its screening opinions that the policies of the Made Plan may have significant environmental effects and would therefore be required to prepare a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC. An SEA accompanies the submission version of the Plan (and was included for consultation at the Regulation 14 stage)

3.25 Similarly, given that the designated neighbourhood area is in close proximity to European designated nature sites, NFDC and NFNPA also confirmed that a Habitats Regulations Assessment (HRA) of the Made Plan was required in accordance with the Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2010 (as amended) and European Directive 92/43/EEC. An HRA accompanies the submission version of the Plan.

4. Conclusion

4.1 The proposed modifications are necessary and timely. They will bring clarity and consistency to aid decision making. The modification is in conformity with the spirit of the plan and is not so significant or substantial as to change the nature of the plan for the reasons set out above.