



[pennandlymlanes@gmail.com](mailto:pennandlymlanes@gmail.com)

18<sup>th</sup> June 2020

Mr Bob Jackson  
Chief Executive  
New Forest District Council  
By email: [customer.services@nfdc.gov.uk](mailto:customer.services@nfdc.gov.uk)

Dear Mr Jackson

## **Adoption of Local Plan – Failure to consult on Strategic Site 6**

I write further the recent statement to Cabinet from PALLS regarding the above matter. PALLS are considering their options, one of which would be to bring an action for judicial review against the Council for their failure to meaningfully consult on the proposed allocation of Strategic Site 6 – Land to the East of Lower Pennington Lane. Our case was set out in our representations to the Local Plan Examination.

We understand that Full Council consideration of the Local Plan has now been delayed until 6 July 2020. We are mindful that there are greater priorities for many at present than making and dealing with legal challenges, and also that all parties are encouraged to try and deal with differences without recourse to the Courts.

We are therefore writing, ahead of your Full Council meeting in July to ask you to provide the evidence of the statement by your head of planning, Claire Upton-Brown, in the 5/6/20 Lymington Times that, 'The opposition to the allocation of SS6 was fully considered by the council as part of the public consultation that took place during the preparation of the Local Plan.' This appears to us to be directly contradictory to the response we received from the portfolio holder for planning Councillor Edward Heron in October 2018 which clearly indicates that there had been no consideration of the consultation responses received to the Regulation 19 consultation. There could, of course, be no meaningful response to the Regulation 18 consultation because SS6 was not allocated as a strategic housing site in that consultation.

We have been unable to identify any evidence that the multiple consultation responses, including that from PALLS, were taken into account by the District Council prior to placing the Local Plan on deposit. I have attached a copy of our statement to Cabinet. I have further attached a copy of the correspondence from PALLS to officers and members relating to the lack of meaningful consultation and the response from Councillor Edward Heron for your information.

In the absence of any evidence that NFDC did carry out a meaningful consultation in accordance with the relevant legislation and regulations we consider that the Council should delete Strategic Site 6 from the plan prior to making a final decision on adoption at your Full Council meeting on 6 July.

I look forward to hearing from you.

Yours sincerely,



Mr Bruce Tindall,  
Chair, Pennington and Lymington Lanes Society

Cc: Claire Upton-Brown, Chief Planning Officer  
Grainne O'Rourke, Executive Head of Governance and Housing  
Barry Rickman, Leader of NFDC  
Edward Heron, Planning Portfolio

**Statement from Pennington and Lymington Lanes Society, a local community group with 700 members who are committed to protect and enhance the special character of the lanes to the south of Pennington and Lymington.**

Thank you for this opportunity to speak in these exceptional times. Our statement relates to your next agenda item concerning the adoption of the Local Plan.

We are specifically concerned with a site to the south of Lymington, identified as SS6 in the plan but our concerns raise broader issues relating to consultation and process. The Gunning Principles, which have been confirmed by the Court of Appeal as applicable to all public consultations, require (amongst other things) that consultation takes place when a proposal is still at a formative stage and the product of consultation must be conscientiously taken into account. They have been breached in this case. SS6 was not identified as a strategic site at the initial consultation stage known as Regulation 18 and as such there has not been true consultation on this site as required by law. In addition the Inspectors have not addressed this point nor the substance of many of the other points made by some 340 representors including ourselves following the consultation at deposit draft stage, known as Regulation 19. Therefore any adoption of the Plan which includes site SS6 would appear to us to question its lawfulness, as neither the Council nor the Inspectors have properly considered the representations made in a meaningful way and indeed the Inspectors have simply not addressed the Regulation 18 point at all.

The allocation of SS6 as proposed by the Council would unreasonably and without justification or scrutiny impose detailed development requirements which could deny the local community an opportunity for democratic involvement if development proceeds. The Council has ignored the request from both PALLS and the elected local council, Lymington and Pennington Town Council to remove the reference in policy SS6 for a vehicular through route in the absence of any verified highways assessment in order that this matter could be determined in the light of all the evidence at the appropriate time if development proceeds. This is another example of how the Council has failed to listen to the reasonable concerns of its communities and denied them the right to meaningful consultation and participation.