

Ringwood Town Council

Ringwood Gateway, The Furlong, Ringwood, Hampshire BH24 1AT

Tel: 01425 473883

www.ringwood.gov.uk

SUMMONS

Dear Member

12th December 2024

You are hereby summoned to attend a meeting of the Town Council at the Forest Suite, Ringwood Gateway on 18th December 2024 at 7.00pm.



Mr C Wilkins
Town Clerk

AGENDA

1.* PUBLIC PARTICIPATION

There will be an opportunity for public participation for a period of up to 15 minutes at the start of the meeting

2. To receive Apologies for Absence

3. To receive Declarations of Interest

4. To approve as a correct record the minutes of the meeting on 27th November 2024

5. To receive Minutes of Committees and approve recommendations contained therein:

Recreation, Leisure & Open Spaces	DATE :- 4 th December 2024
Planning, Town & Environment	DATE:- 6 th December 2024
Policy & Finance	DATE:- 11 th December 2024

6. COMMITTEE COMPOSITION

To consider any changes to Committee composition

7. PLANNING APPLICATION FOR LAND OFF MOORTOWN LANE (21/11723)

To consider the Deputy Town Clerk's report and issues for decision therein
(*Report A*)

8.* To receive such communications as the Town Mayor may desire to lay before the Council

9.* To receive Reports from County and District Councillors

10.* To Receive Reports from Ringwood Town Councillors

11. Forthcoming Meetings – to note the following dates:

Recreation, Leisure & Open Spaces	7.00pm	Wednesday 8 th January 2025
Planning, Town & Environment	10.00am	Friday 10 th January 2025
Policy & Finance	7.00pm	Wednesday 22 nd January 2025
Full Council	7.00pm	Wednesday 29 th January 2024

12. EXCLUSION OF THE PRESS AND PUBLIC

To consider exclusion of the press and public from the meeting, in accordance with the Public Bodies (Admission to Meetings) Act 1960, section 1(2), to transact business for which publicity would be prejudicial to the public interest by reason of its confidential nature

13. LEGAL MATTERS

To receive a verbal report from the Town Clerk on legal matters

14. PERSONNEL MATTERS

To consider arrangements for managing the recruitment of a new Town Clerk

If you would like further information on any of the agenda items, please contact Mr Chris Wilkins, Town Clerk, on 01425 484720 or chris.wilkins@ringwood.gov.uk

Council Members:

Chairman: Cllr Rae Frederick, Town Mayor
Vice-Chairman: Cllr Philip Day, Deputy Mayor
Cllr Andrew Briers
Cllr Luke Dadford
Cllr Ingrid De Bruyn
Cllr Gareth DeBoos
Cllr Mary DeBoos
Cllr Janet Georgiou
Cllr John Haywood
Cllr Peter Kelleher
Cllr James Swyer
Cllr Michael Thierry
Cllr Glenys Turner
Cllr Becci Windsor

Officers:

Chris Wilkins, Town Clerk
Jo Hurd, Deputy Town Clerk

TOWN COUNCIL

18 December 2024

Planning Application for land off Moortown Lane (21/11723)

1. Introduction and reason for report

- 1.1 Planning application 21/11723 for development of land off Moortown Lane (Strategic Site 13) was approved by the New Forest District Council (NFDC) Planning Committee on 13 November 2024, with the Service Manager being given delegated authority to grant permission subject to completion of a Section 106 agreement.
- 1.2 Considering the Town Council's objection to the application and its non-compliance with six policies in the Ringwood Neighbourhood Plan (RNP), some Members of the Council and the RNP team have considered potential next steps.

2. Background information and options

- 2.1 To ensure that any action is based on informed views, discussions on any potential route of appeal have been held with two planning consultants.
- 2.2 In summary, the views of both consultants are as follows:
 - A judicial review would be costly, and it is suggested not appropriate.
 - A request to the Secretary of State to call-in should be considered:
 - This would have most weight if submitted by the Town Council.
 - It would not have a cost implication other than officer's time.
 - Given that this is an allocated site and the government requires more housing, there is the potential for the request to be refused.
 - However, the potential increased occupancy resulting from the ability to use a first-floor study room as a bedroom would mean there is insufficient phosphate mitigation included in the application. This issue needs to be investigated since:
 - The precedent set will impact all the other up to 74 Local Planning Authorities (LPAs) in England that require nutrient neutrality.¹
 - When reviewing a Habitats Regulation Assessment (HRA)² the first important legal principle that LPAs need to be aware of is that case law tells decision-makers that they need to apply a precautionary approach at each stage of the habitats assessment process.³ As such, the HRA for this application should have included modelling of the potentially increased occupancy, and it does not.
 - Phosphate mitigation is required to protect the Avon Valley which is an internationally important site and as such protected under the Habitats Regulations 2017. Competent authorities, such as local planning authorities must assess the environmental impact of planning applications and local plans which may affect these sites. LPAs can only approve development if they are certain that it will not have an adverse effect on the site.

¹ <https://www.gov.uk/government/news/government-sets-out-plan-to-reduce-water-pollution>

² <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

³ <https://www.local.gov.uk/pas/topics/environment/nutrient-neutrality-and-planning-system/faqs>

- Not making adequate provision for phosphate mitigation is a breach of these international regulations.
- A parallel letter to Natural England directly is advised.

2.3 As a consequence of this advice, a letter to the Secretary of State has been drafted (Appendix A). This outlines in further detail the reason for requesting a call-in, if agreed.

2.4 To give some context to the scale of the issue, in the Phase 1 detailed plans for 150 dwellings, 26 of the 75 open market dwellings have upstairs study rooms and therefore have potential for the occupancy rates to change if those rooms were to be used as bedrooms. The resulting additional phosphate mitigation required would be approximately 10%.

3. Issues for decision and any recommendations

3.1 Members are respectfully invited to consider supporting a request to the Secretary of State to call in the decision made by New Forest District Council to approve planning application 21/11723.

3.2 If supported, Members are asked to consider approving the draft letter in Appendix A, and a parallel letter to Natural England.

For further information, contact:

Jo Hurd, Deputy Town Clerk
Direct Dial: 01425 484721
Email: jo.hurd@ringwood.gov.uk

Appendix A – draft letter to Secretary of State

We, Ringwood Town Council (RTC) request that the Secretary of State for Housing, Communities and Local Government calls in the decision made by New Forest District Council (NFDC) to approve planning application number 21/11723, Hybrid planning application comprising a total of 443 dwellings. SS13 - LAND OFF MOORTOWN LANE, RINGWOOD on 13th November 2024.

This application breaches at least 11 Local Development Plan Policies including 6 policies in the recently made Ringwood Neighbourhood Plan (RNP).

In reviewing the application RTC raised significant concerns about the inclusion of first-floor study rooms in the open market housing. It was argued by the applicant and NFDC officers that, due to Nationally Described Space Standards (NDSS), these are not bedrooms and hence, for example, a house design with 2 bedrooms and a first-floor study room should be classified as a 2-bedroom dwelling and occupancy calculated accordingly.

During discussion of the application by the NFDC Planning Committee, officers were asked if there was a way of conditioning that the studies were not used as bedrooms, and they said that there was not. However, our understanding is that the designs could be altered to exclude an opening window and then the studies could not lawfully be used as bedrooms.

Not only does this have the potential to reduce the number of truly smaller dwellings on the site (in breach of RNP Policy R5 and NFDC Local Plan Policy HOU1), it also means that the occupancy stated is artificially low and hence the application does not include sufficient phosphate mitigation to protect the internationally important site of the Avon Valley.

Our calculation suggests that the Phase 1 detailed application for 150 dwellings requires approximately 10% more phosphate mitigation, and we anticipate that Phase 2 will have a similar issue.

This, we believe, needs to be investigated since:

- The precedent set will impact all the other up to 74 Local Planning Authorities (LPAs) in England that require nutrient neutrality.
- When reviewing a Habitats Regulation Assessment (HRA) the first important legal principle that LPAs need to be aware of is that case law tells decision-makers that they need to apply a precautionary approach at each stage of the habitats assessment process. As such, we believe that the HRA for this application should have included modelling of the potential increased occupancy, and it does not.
- Not making adequate provision for phosphate mitigation is a breach of the international Habitats Regulations. If not investigated, we understand that the government and Natural England would be held responsible for any breach that arises.