



Basingstoke and Deane Local Planning Authority

Overton Neighbourhood Plan 2016 – 2029

REGULATION 18 DECISION STATEMENT (proceeding to referendum)

1. Introduction

- 1.1 In accordance with the Town and Country Planning Act 1990 (as amended), the council has a statutory duty to assist communities in the preparation of neighbourhood plans and to progress their neighbourhood plans through examination, referendum and to 'make' the Plan.
- 1.2 In accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012, Basingstoke and Deane Borough Council (BDBC) have produced this 'Decision Statement' in relation to the Overton Neighbourhood Plan (ONP). This statement confirms that the modifications proposed by the Examiner's Report on the ONP have been accepted by the council and the Plan has been consequently amended. The Plan can now proceed to referendum.
- 1.3 The Examiner's report and Overton Neighbourhood Plan, including supporting documents, can be viewed on the council's website at:

<http://www.basingstoke.gov.uk/neighbourhoodplans>.

Hard copies of the documents can also be viewed at the borough council offices (Basingstoke and Deane Borough Council, Civic Offices, London Road, Basingstoke, RG21 4AH).

2. Background

- 2.1 On 25 July 2013 BDBC designated the Overton Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with section 61G of the Town and Country Planning Act 1990. The Plan area covers the parish of Overton and lies solely within the Basingstoke and Deane Local Planning Authority Area.
- 2.2 Overton Parish Council, the qualifying body, submitted the draft ONP and supporting documents to BDBC in August 2015.
- 2.3 Following submission of the ONP, BDBC publicised the Plan and supporting documents and invited representations during the consultation period which ran from 18 September 2015 to 30 October 2015.

- 2.4 BDBC, as consented by Overton Parish Council, appointed an independent examiner, Mr Nigel McGurk, to examine the Plan and consider whether it should proceed to referendum.
- 2.5 The Examiner's Report was received on 31 December 2015 and recommended that, subject to a number of proposed modifications, the Plan should proceed to referendum. The modifications are required to ensure that the Plan meets the basic conditions set out in the legislation (Para 8(2) Schedule 4B Town and Country Planning Act 1990). The examiner also recommended that the area for the referendum should be based on the designated neighbourhood area which the Plan relates to.
- 2.6 In accordance with the legislation (Schedule 4B s12 Town and Country Planning Act 1990), the Local Planning Authority (LPA) must decide what action to take in response to the examiner's recommendations, what modifications to make to the Plan and whether the Plan should proceed to referendum.
- 2.7 If the LPA is satisfied that the Plan can proceed to referendum, it is also required to consider whether the referendum area needs to be extended beyond the Overton Neighbourhood Area (Schedule 4B s.12(8) Town and Country Planning Act 1990).

3. Local Planning Authority Decision

3.1 Having considered the Examiner's Report the Local Planning Authority confirms that:

- all the Examiner's recommended modifications, as set out in Appendix 1, are accepted and agreed.
- the ONP, incorporating all the recommended modifications and consequential modifications¹, should proceed to referendum as the Plan:
 - meets the basic conditions in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)
 - meets the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)
 - is compatible with the European Convention on Human Rights and complies with the Human Rights Act 1998
- the recommended modifications do not comprise revisions that would affect the overall Sustainability Appraisal (SA) findings presented in the SA Report, and the revisions will not have significant environmental effects which were not previously assessed through the SA (incorporating Strategic Environmental Appraisal) process.
- it agrees with the Examiner's recommendation to proceed to a referendum based on the Overton Neighbourhood Area as approved by the council on 25 July 2013.

¹ Modifications in order to correct errors/inaccuracies resulting from the amendments made in light of the Examiner's Report.

- 3.2 This decision has been made in accordance with the relevant legislation, guidance and advice and in response to the recommendations made in the Examiner's Report.
- 3.3 Not less than 28 days before the date of the referendum the council must publish on their website and make available an information statement and specified documents (which will include the ONP as revised in light of the Examiner's recommendations). These documents will be made available during the referendum period for inspection at the council's Civic Offices and relevant libraries.

Schedule of Modifications to the Overton Neighbourhood Plan

Appendix 1: Modifications in line with the Examiner’s recommendations, as approved by Overton Parish Council

Change Reference	Policy/Section/Map in the Overton Neighbourhood Plan	Page(s) in the Overton Neighbourhood Plan	Description of Modification	Explanation for Modification
ONP1	Title page	1	Change “August 2015 Regulation 15 submission” to “2016-2029”	To provide clarification regarding the plan period.
ONP2	Introduction	3	Delete the second paragraph and replace with “The Plan allocates sites for approximately 150 dwellings. The figure is reflective of information supporting the emerging Basingstoke and Deane Local Plan (2011-2029). This emerging Local Plan contains a policy (SS5) suggesting the allocation of approximately 150 homes in Overton.”	To ensure accuracy and provide further clarification.
ONP3	Section 1: The process	4	Amend the sentence on page 4 to “The plan period runs from 2016 to 2029”.	To provide clarification regarding the plan period.
ONP4	The process of housing site selection: a summary	9	Change first sentence to “This Plan allocates land for approximately 150 homes. Having...”	To provide further clarification and ensure accuracy in the Neighbourhood Plan (NP).
ONP5	The process of housing site selection: a summary	9	Change the first bullet point to “Having regard to national policy and guidance and being in general conformity with the strategic policies of the Adopted Local Plan”.	To provide further clarification and ensure accuracy in the Neighbourhood Plan (NP).
ONP6	Diagram	10	Change wording of box with four bullet points to “4 sites removed as they failed to meet requirements further to consultation and assessment”.	To ensure that the information provided is accurate.
ONP7	Developer Contributions and Infrastructure	11	Change third paragraph, line 7 add “...Levy to help fund infrastructure...”	In order to provide greater clarification regarding the operation of CIL.
ONP8	Section 3: The objectives and policies	19	Change first two sentences to “The objectives of the Neighbourhood Plan are followed by	To ensure the NP meets the basic conditions,

	derived from the vision		policies to deliver the vision for the future development of Overton...must apply all relevant policies when considering whether a proposal should be approved". Delete the rest of the text on Page 19.	particularly in terms of how it relates to the Development Plan and national level planning policy.
ONP9	Objectives throughout the Plan	25-47	Replace all the numbers for objectives “*”.	To avoid confusion.
ONP10	Policy LBE1: Landscape, the built environment and local distinctiveness	26	Delete the policy text and re-word to state: “Development proposals should demonstrate, where appropriate, that they conserve or enhance the character of the landscape and built environment. Where possible, proposals should demonstrate how they have taken into account the Overton Village Design Statement, the Overton Conservation Area Appraisal and the CABE Building for Life Standards. Applicants are strongly encouraged to engage with the community before and during the planning application process.”	To improve clarity and address issues regarding the relationship with the Village Design Statement, Conservation Area Appraisal, and Building for Life Standards.
ONP11	Supporting text to Policy LBE1	26	Change text immediately below LBE1 to “Conserving landscapes, views and location distinctiveness will...85%”.	Views and local distinctiveness are subject to change without necessarily leading to harm, and are not irreplaceable assets.
ONP12	Supporting text to Policy LBE1	26-27	Delete the supporting text from “LBE1(1) This policy...” to the end of the Landscape and Built Environment section on page 27.	In order to meet the basic conditions.
ONP13	Housing: People and Homes	27-28	Change the reference in the sixth bullet point, and the reference in the text under the future need heading from “2030” to “2029”.	In order to be consistent with the Plan period as clarified by the Examiner.
ONP14	Policy H1: Responding to local need	30	Change policy to “Residential development within the existing built-up area of Overton and on the sites allocated in this Plan will be supported subject to: 1) the provision of 40% affordable homes in development of 11 or	In order to improve clarity and address issues regarding affordable housing provision, housing standards and local

			more (6 in the AONB); 2) the provision of a mix of dwelling sizes; 3) demonstrating that, where affordable housing is provided, consideration has been given to local need; 4) demonstrating that consideration has been given to the guidelines set out in 'Secured by Design' (ACPO)."	connection.
ONP15	Supporting text to Policy H1	30-31	Delete all the supporting text below the policy, including references a and b.	In order to meet the basic conditions.
ONP16	Policy H2: Phasing	31	Delete Policy H2 and supporting text. Replace with a new Policy H2 "This plan allocates land for approximately 150 dwellings. Policies for all allocated sites are included later in the Plan."	To ensure that the ONP meets the basic conditions.
ONP17	Policy H3: Sustainability	31	Change Policy H3 to "Applications for residential development should demonstrate how they have taken account of best practice in energy efficiency and generation; and should demonstrate that landscaping responds positively to the character of the area, is well related to the design of the proposed development and where possible, conserves or enhances biodiversity".	To improve clarity and address issues regarding evidence concerning financial viability, the definition of "best practice" in respect of energy efficiency/generation, and biodiversity requirements.
ONP18	Supporting text to Policy H3	32	Delete the text from "Regarding pollution...dated 2013".	In order to meet the basic conditions.
ONP19	Policy H4: Infrastructure	32	Change Policy H4 to "Grey water recycling and the utilisation of sustainable drainage systems (SuDS) will be supported. Applicants are encouraged to maximise opportunities for grey water recycling and utilise SuDS wherever practical and viable".	In order to clarify the appropriate scope of the policy/ONP in respect of sewage and surface water.
ONP20	Supporting text to Policy H4	32-33	Delete text "H4(1).Overton....householder development.	This text relates to matters which are beyond the scope of the neighbourhood plan.
ONP21	Supporting text to Policy H4	32-33	Retain the following text "These policies aim to provide...sustainability"	In order to clarify compliance with the basic conditions.

ONP22	Supporting text to Policy H4	32-33	Delete text "Policies H4...(Infrastructure)"	The inclusion of this text is not necessary in light of the recommended removal of the policy criterion regarding sewage and surface water.
ONP23	Policy W1: Employment Opportunities	35	Delete Policy W1 and supporting text.	Owing to lack of clarity, in order to avoid confusion and ensure the NP meets the basic conditions.
ONP24	Policy W2: Local Tourism	35-36	Delete Policy W2 and supporting text.	Owing to lack of clarity, in order to avoid confusion and ensure the NP meets the basic conditions.
ONP25	Policy S1: Local Shops	37	Re-word policy to "Proposals to improve existing shops and/or provide new shops in Winchester Street and High Street will be supported, subject to respecting local character".	In order to provide a more suitable assessment criteria.
ONP26	Supporting text to Policy S1	37	Delete reference to (emerging) Local Plan Policy CN6.	In order to meet the basic conditions.
ONP27	Policy S2: Shops, change of use	37	Change Policy S2 to "Proposals requiring planning permissions to change the use from retail to private dwellings in the Conservation Area will not be supported unless it can be demonstrated that, further to 12 months active marketing, a retail use is no longer economically viable."	In order to provide more suitable assessment criteria.
ONP28	Supporting text to Policy S2	37	Delete the last sentence of the supporting text "It complies with Saved Policy C8 (Protection of essential services) and Local Plan policy CN7 (Essential facilities and services)"	In order to comply with the basic conditions.
ONP29	Policy L1: Nursery school places	39	Re-word the policy to "The development of existing and new nursery schools that results in an increased number of nursery school places and that respects local character and does not harm residential amenity, will be supported".	In order to provide a more suitable assessment criteria.

ONP30	Supporting text to Policy L1	39	Change sentence below bullet points to “The aim of the <i>above</i> is to improve”.	To provide further clarification.
ONP31	Policy L2: Developer contributions; learning and skills	39	Delete Policy L2 and add the following new bullet point under supporting text for Policy L1 “Community Action. The Parish Council will seek, where possible, to allocate developer contributions to projects that ensure that Overton Library has premises adequate for the projected Parish population growth, including publicly accessible internet access.”	This policy refers to the responsibility of Hampshire County Council, whereas the neighbourhood plan has no control over that authority. However, the issue can be addressed by means of a statement regarding intended community action.
ONP32	Policy T1: Multi-use paths	41	Re-word policy to “the provision of multi-use paths is supported”.	The wording of the policy as originally proposed was not justified or reasonably applicable to all development. The Examiner recommended amended wording in order to achieve consistency with the basic conditions.
ONP33	Supporting text to Policy T2	42	Delete the following sentence “This policy complies with Saved Policy A2 (Walking, cycling and use of public transport) and Local Plan Policy CN8 (Community, leisure and cultural facilities).”	In order to meet the basic conditions.
ONP34	Policy T2: Parking	42	Delete Policy T2 and add the following paragraph “Community Action. The Parish Council will seek, where possible, to allocate developer contributions to the creation of parking opportunities throughout the village and to upgrading community car parking.”	In order to meet the basic conditions.
ONP35	Getting around	42	Amend the penultimate sentence to “The aim of this is to reduce...” and delete the final sentence sentence: “The policy complies with Local Plan Policy CN8 (Community leisure and cultural facilities) It is strongly supported	In order to meet the basic conditions.

			by public opinion in the questionnaire”.	
ONP36	Policy CS1: Community Services	44	Delete the text “HSBC Bank” from the policy.	Examiner considers there is no substantive evidence to demonstrate that the physical presence of the HSBC Bank provides an essential service.
ONP37	Policy E1: Social, sporting and recreational facilities and green space	46	Delete Policy E1 and supporting text.	In order to meet the basic conditions, owing to lack of clarity.
ONP38	Policy E2: Designated environmental areas and heritage assets	46	Delete Policy E2 and supporting text	To ensure that the NP meets the basic conditions, as the policy is beyond the scope of a neighbourhood plan.
ONP39	Policy E3: Access to the countryside	47	Delete Policy E3 and supporting text	In order to meet the basic conditions, owing to lack of detailed policy basis.
ONP40	Policy SS1	48	The following revisions are required: <ul style="list-style-type: none"> • Change first sentence of policy to “The development of approximately 150 homes will be permitted on the following sites:” • Add approximately before each number of dwellings allocated. 	In order to clarify the number of dwellings to be provided through the Plan, the requirement for each individual site, and in order to allow for some flexibility.
ONP41	Policy SS1	48	Delete reference to Site QB.	In order to provide clarification (in any case this allocation has been deleted in line with the Examiners recommendation).
ONP42	Policy SS2	48	Amend policy to “...information should, where relevant, provide sufficient detail to enable the following topics to be considered...heritage; landscaping and provision of green space; and public benefits.”	To provide further clarification.

ONP43	Site F specific policies	50	Delete numbered bullet points 1, 2 and 5.	In order to reflect other amendments (removal/amendment of policies concerning drainage and phasing) and to remove unjustified criteria (regarding bus access)
ONP44	Site F specific policies	50	Amend bullet point 3 to "Access will be to the B3400", and delete the remaining text.	In order to comply with the basic conditions.
ONP45	Supporting text to Site F	50	Delete sentence F(5) below the policy.	In order to comply with the basic conditions.
ONP46	Site J specific policies	50	Delete numbered bullet points 1 and 4.	In order to remove requirements which do not meet the basic conditions (phasing and bus access).
ONP47	Site J specific policies	50	Amend bullet point 2 to "Access will be to the C29", and delete the remaining text.	In order to comply with the basic conditions.
ONP48	Supporting text to Site J	50	Delete the following text below the policy "J(4) is to allow any public service bus to access the housing development without having to reverse."	In order to remove text which relates to a policy requirement which does not accord with the basic conditions.
ONP49	Supporting text to Site J	50	Replace the last sentence of the supporting text to "The Parish Council would like to see provision of a Community Shop on the site, and would like allotments to be gifted to the Parish Council".	To provide further clarification.
ONP50	Site A specific policy	51	Delete Site A specific policy.	In order to comply with the basic conditions.
ONP51	Site B specific policies	52	Delete bullet point 1.	In order to comply with the basic conditions (this bullet relates to phasing, which is recommended for removal by Examiner).

ONP52	Site B specific policies	52	Change bullet point 3 to “Proposals must demonstrate that landscaping will screen development in a way that protects local character”.	In order to ensure the wording of the policy is sufficiently clear and consistent with the basic conditions.
ONP53	Supporting text to Site B	52	Delete the following sentence “B(3) is to minimise the visual impact from Footpath 5”.	To ensure accuracy.
ONP54	Reserve Site	53	Delete the text and the plan on page 53.	The Risk Assessment Table is not sufficiently clear or comprehensive, nor does the text on page 53 sufficiently justify the inclusion of the reserve site.
ONP55	Site K specific policies	54	Delete the site K specific policy and supporting text.	To ensure the NP meets the basic conditions, as the inclusion of site K has not been sufficiently justified.
ONP56	Site QB	55	Delete policy QB and all related supporting text and plans.	In order to meet the basic conditions, owing to lack of sufficient justification for the allocation, and to avoid potential hard to local character.

Please note that as a result of the Examiner’s recommended modifications, consequential changes also need to be made to the Plan in order to avoid factual errors and inaccuracies (Schedule 4B s.12(6) Town and Country Planning Act 1990). Such modifications are not all listed in the Schedule above. Furthermore, any other minor changes to correct errors and inaccuracies are also not all listed in the schedule.

