



## **Basingstoke and Deane Local Planning Authority**

### **St Mary Bourne 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) has produced this 'Decision Statement' in relation to the St Mary Bourne Neighbourhood Plan (SMBNP). This statement confirms that the modifications proposed in the Examiner's Report on the SMBNP 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 submission SMBNP, including supporting documents, can be viewed on the council's website at:

<https://www.basingstoke.gov.uk/SMBNP>

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 24 July 2013 BDBC designated the St Mary Bourne Neighbourhood Area for the purpose of preparing a Neighbourhood Plan. The plan area covers the parish of St Mary Bourne and lies solely within the Basingstoke and Deane Local Planning Authority Area.
- 2.2 St Mary Bourne Parish Council (SMBPC), the qualifying body, submitted the draft SMBNP and supporting documents to BDBC on 6 May 2017.
- 2.3 Following submission of the SMBNP, BDBC publicised the Plan and supporting documents and invited representations during the consultation period which ran from 5 June 2017 for 6 weeks.
- 2.4 BDBC, with the consent of SMBPC, appointed an independent examiner, Jeremy Edge, to review the Plan and assess whether it should proceed to referendum.

- 2.5 The Examiner's Report was received on 17 November 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 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 Local Planning Authority is satisfied that the Plan can proceed to referendum, it is also required to consider whether the Referendum Area should be extended beyond the St Mary Bourne 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 SMBNP, incorporating all the recommended modifications and consequential modifications<sup>1</sup>, 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 will not have significant environmental effects which were not previously assessed through the Environmental Assessment submitted with the SMBNP.
- It agrees with the Examiner's recommendation to proceed to a referendum based on the St Mary Bourne Neighbourhood Area as approved by the council on 24 July 2013.

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.

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<sup>1</sup> Modifications in order to correct errors/inaccuracies resulting from the amendments made in light of 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 SMBNP, as revised in light of the Examiners recommendations). These documents will be made available during the referendum period for inspection including at the council's Civic Offices.

## Schedule of Modifications to the St Mary Bourne Neighbourhood Plan

### Appendix 1: Modifications in line with the Examiner's recommendations and in consent with St Mary Bourne Parish Council

Change Reference	Policy/Paragraph	Page in Submission Neighbourhood Plan	Description of Modification	Explanation of modification
SMB1	P1: Redundant Agricultural Buildings	8	<i>Residential development on sites of Redundant Agricultural Buildings will be <del>approved</del> <u>supported</u> where it is proportionate to the location and within a closely-grouped or contiguous built form of existing housing, provided that:</i>	In order to avoid any expectation on behalf of applicants that planning permission for proposals that satisfy this policy alone may not be permitted in the event they conflict with other policies in the SMBNP, or the adopted Local Plan.
SMB2	P1: Redundant Agricultural Buildings	8	<i>Add new clause a): <u>such proposals will only be supported where it is demonstrated objectively that the property has been freely and continuously offered in the market for at least nine months for residential use, without necessitating substantial rebuilding, extension or alteration, without securing a user on market acceptable terms, to justify that use within Use Class C3a is not economically viable; and</u></i>	In order to ensure that the policy is compatible with Adopted Local Plan policy SS6 (iv).
SMB3	P1: Redundant Agricultural Buildings	9	Replace previous clause g) with the following requirement:  <i><del>g) The demolition of buildings which have architectural or historic merit will not be permitted</del></i>	In order to reflect the recommendation of Historic England and provide a more positive strategy in relation to

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			<p><i>unless it can be demonstrated that the building is not capable of conversion and it can be justified that the benefits of the proposal outweigh any harm to the character of the area.</i></p> <p><i><u>Proposals for the conversion of redundant agricultural buildings of historic or architectural interest that would result in a sustainable use that conserves or enhances their significance will be supported. Development proposals that would result in the loss of or harm to the significance of a building of historic or architectural merit must clearly demonstrate that the benefits to be provided could not be delivered through sensitive conversion of the building, or through use of an alternative location and that the public benefits will clearly outweigh the harm caused through loss of the building's significance.</u></i></p>	the historic environment, as per para 126 of the NPPF.
SMB4	P2: Infill housing in Stoke	10	<p><i>“Proposals for new dwellings within the existing built up area of Stoke will be <del>permitted</del> <u>supported</u> provided: ………”</i></p>	In order to avoid any expectation on behalf of applicants that planning permission for proposals that satisfy this policy alone may not be permitted in the event they conflict with other policies in the SMBNP, or the adopted Local Plan.
SMB5	P3: Housing site mix and Local	11	5.24 The mix of any individual development should be predominantly 2 and 3 bedroom units.	The Independent Examiner considers

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	Connection Pre-emption right		<p><i>“Small units (2 and 3 bedroom properties) may not be combined so as to create a single residence from two units.</i></p> <p><del><i>Developments must be offered for a period of six weeks to those with a local connection, being either residents, relatives of residents, former residents who wish to return, residents of nearby Parishes or those working in key professions in the area, such as teachers, firefighters and medical personnel. This priority right will be at the price at which the development shall be offered for sale and in the case of a subsequent reduction in price, the six-week period shall commence again.”</i></del></p>	<p>that it is not possible for the planning system to impose the sort of restrictions which would be encompassed by the local connection part of the policy.</p>
SMB6	P4: Rural Exception Sites	12	<p>Amend the policy as follows:</p> <p><del><i>A Rural Exception Site, providing affordable housing as defined in the current national level planning policy guidance, outside of, but in close proximity to St Mary Bourne, will be supported provided that</i></del></p> <p><u><i>Proposals for rural exception sites will be supported where:</i></u></p> <p><i>a) the scale is proportionate to the settlement’s size, form and character; and</i></p> <p><i>b) the site would not harm but would enhance the settlement’s rural character and setting;</i></p> <p><i>and</i></p> <p><i>c) the development clearly meets a locally agreed housing need; and</i></p>	<p>The positive statement at the beginning of the policy has been amended, with part of that text shifted to the new wording recommended for insertion at the end of the policy.</p> <p>The deletion of clause d) is recommended as it is not considered sufficiently clear and precise in terms of how</p>

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			<p><del>d) there is demonstrable local community support for the proposal, including detailed consultation and engagement with local residents and the parish council; and</del>  e) it is not built in an area vulnerable to flooding, or on land which would increase the risk of flooding in other locations.</p>	this would be interpreted and applied.
SMB7	P4: Rural Exception Sites	12	<p>As a consequence of the removal of the reference to public consultation in the list of criteria, the Independent Examiner recommends this is replaced with the following wording at the end of the policy:</p> <p><u>The Parish Council will encourage early consultation for proposals involving a Rural Exception Site providing affordable housing, as defined in the National Policy Planning Guidance, outside of but in close proximity to St Mary Bourne Settlement Boundary (as defined in the Local Plan).</u></p>	In order to allow the parish council to still seek to encourage pre-application engagement in spite of the deletion of clause d), as referred to above.
SMB8	P4: Rural Exception Sites	12	<p>The following amendments to the supporting text are required:</p> <p>“Previous rural exception housing sites in the neighbourhood area have resulted in concerns being raised by the local community over a number of issues, such as drainage/flooding, design, and impact on the character of the village. Therefore, the acceptability of any rural exception site will need to be informed by extensive community engagement, which should</p>	The alterations to the supporting text are necessary in order to reflect the changes to the policy as set out above.

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			<p>include consideration of issues such as the location, scale and design of the proposed development <u>Therefore, community engagement is encouraged for such housing proposals to allow the community to comprehend and assess likely planning benefits and effects.</u> This should take place as early in the process as is practicable.”</p>	
SMB9	P5: Environmental Factors	12	<p><i>“Development proposals will be <del>permitted supported</del> provided they:....”</i></p>	<p>In order to avoid any expectation on behalf of applicants that planning permission for proposals that satisfy this policy alone may not be permitted in the event they conflict with other policies in the SMBNP, or the adopted Local Plan.</p>
SMB10	P6: Small scale renewable energy projects	13	<p><i>“Small scale renewable energy projects will be <del>supported-permitted</del>, provided they:...”</i></p>	<p>In order to avoid any expectation on behalf of applicants that planning permission for proposals that satisfy this policy alone may not be permitted in the event they conflict with other policies in the SMBNP, or the adopted Local Plan.</p>



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SMB11	P7: Design Requirements	14	<i>“All development proposals must achieve a high standard of design, which responds positively to the context. Development proposals will be <del>permitted</del> <u>supported</u> provided they:....”</i>	In order to avoid any expectation on behalf of applicants that planning permission for proposals that satisfy this policy alone may not be permitted in the event they conflict with other policies in the SMBNP, or the adopted Local Plan.
SMB12	P8: Allotments	17	<i>“Proposals for new allotments will be <del>approved</del> <u>supported</u>, provided these do not have detrimental impact on landscape character and/or the setting of any settlements or increase significantly traffic flows or intensify parking problems within the Bourne Valley.”</i>	In order to avoid any expectation on behalf of applicants that planning permission for proposals that satisfy this policy alone may not be permitted in the event they conflict with other policies in the SMBNP, or the adopted Local Plan.
SMB13	Community Action	17-18	The Community Action section has been converted into an appendix.	In order to ensure that it is clear that these are not planning policies.

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, other minor changes such as typographical and factual updates are also no listed in the schedule.