



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

### **Wootton St Lawrence 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 Wootton St Lawrence Neighbourhood Plan (WSL NP). This statement confirms that the modifications proposed in the Examiner's Report on the WSL NP 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 WSL NP, including supporting documents, can be viewed on the council's website at:

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

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 20 February 2014 BDBC designated the Wootton St Lawrence Neighbourhood Area for the purpose of preparing a Neighbourhood Plan. The plan area covers the parish of Wootton St Lawrence and lies solely within the Basingstoke and Deane Local Planning Authority Area.
- 2.2 Wootton St Lawrence Parish Council (WSL PC), the qualifying body, submitted the draft WSL NP and supporting documents to BDBC on 28 May 2019.
- 2.3 Following submission of the WSL NP, BDBC publicised the Plan and supporting documents and invited representations during the consultation period which ran from 12 June 2019 for 7 weeks, ending on 31 July 2019.
- 2.4 BDBC, with the consent of WSL PC, appointed an independent examiner, Janet Cheesley, to review the Plan and assess whether it should proceed to referendum.

- 2.5 The Examiner's Report was received on 21 August 2019 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 paragraph 12 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 Wootton St Lawrence Neighbourhood Area (Schedule 4B paragraph 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 WSL NP, 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);
  - is compatible with Convention Rights (the European Convention on Human Rights) and complies with the Human Rights Act 1998;
  - is compliant with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.
- The recommended modifications will not have significant environmental effects. A Strategic Environmental Assessment was not required for the WSL NP.
- It agrees with the Examiner's recommendation to proceed to a referendum based on the Wootton St Lawrence Neighbourhood Area as approved by the council.

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 WSL NP, as revised in light of the Examiners

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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.

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 Wootton St Lawrence Neighbourhood Plan

### Appendix 1: Modifications in line with the Examiner's recommendations and in consent with Wootton St Lawrence Parish Council (changes ordered as per Examiner's report)

Change Reference	Policy/Paragraph	Page in Submission Neighbourhood Plan	Description of Modification	Explanation of modification
WSL NP 1	Paragraph 1.4 and Glossary	6/41	Include reference to the new basic condition when summarising the basic conditions: <u>'The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7)'</u>	Minor editing matter.
WSL NP 2	Figure 4	16	Modification to remove Catern Crossroads from Figure 4 as it is no longer classified as a Scheduled Monument.	Minor editing matter.
WSL NP 3	General Document	Various	Reference is made to the number of homes at the Manydown Site Allocation as '3250 homes' and 'some 3400 homes'.  Reference to the number of homes at the Manydown Site Allocation in the document should be 'approximately 3,400 homes'.	Minor editing matter.
WSL NP 4	Paragraph 2.3.2	12	The objectives do not all correspond with the wording of the objectives listed with the individual policies.  All objectives should be the same as those listed in paragraph 2.3.2.	Minor editing matter.
WSL NP 5	Policy WSL 1: Local Gap	21	Modification of Policy WSL1: Local Gap to read:	To meet the basic conditions.

Change Reference	Policy/Paragraph	Page in Submission Neighbourhood Plan	Description of Modification	Explanation of modification
			<p>Proposals for development within the Local Gap, will be acceptable provided it:</p> <ol style="list-style-type: none"> <li>1. <u>Within the Country Park it R</u>elates to the use of the land for informal recreational purposes.</li> <li>2. <u>It W</u>ould not diminish the physical and/or visual separation of the village from the Manydown development area <u>or harm Wootton St. Lawrence's landscape setting.</u></li> <li>3. <u>It W</u>ould not compromise the integrity of the Local Gap, either individually or cumulatively with other existing or proposed development.</li> </ol>	
WSL NP 6	Policy WSL 2: Local Green Space	23	<p>Modification of Policy WSL 2: Local Green Space to remove the tennis court with the cricket pavilion and the children's play areas from the Ramsdell Recreation Ground Local Green Space as these would be classified as valued facilities (and are covered under per policy WSL9: Valued Facilities), therefore these facilities would overlap as presently drafted.</p> <p>Insert OS based maps to ensure that the precise boundaries of the Local Green Spaces are clearly identifiable.</p> <p>Recommendation of modification of Policy WSL 2: Local Green Space to read:</p>	To meet the basic conditions.

Change Reference	Policy/Paragraph	Page in Submission Neighbourhood Plan	Description of Modification	Explanation of modification
			Ramsdell and Wootton St Lawrence recreation grounds <del>as identified on inset maps [x], along with West Heath allotments</del> are designated as Local Green Space where new development will only be permitted in very special circumstances.	
WSL NP 7	Paragraph 4.4.2	24	Modification of paragraph 4.4.2 to reflect changes to Policy WSL 2 and the removal of land at West Heath.	To meet the basic conditions.
WSL NP 8	Paragraph 4.4.3	24	Modification of paragraph 4.4.3 to reflect changes to Policy WSL 2:  It is considered that both recreation grounds provide valued recreational facilities for the residents. Indeed, the Ramsdell Cricket Ground is well used by the Cricket Club drawing players from well beyond the Parish. <del>The children's play equipment on both recreation grounds, along with the club house and tennis courts at Ramsdell, are identified as 'valued facilities; under Policy WSL 10. The land held in Trust for allotments located in West Heath is not currently being used widely for that purpose and amongst the actions identified in Section 5 is that the Parish Council explore with the Trust responsible for the land the potential for use of whole or part as allotment plots for Parish residents.</del>	To meet the basic conditions.
WSL NP 9	Policy WSL 3: Public Rights of Way	24	Modification of Policy WSL3: Public Rights of Way to read:	To meet the basic conditions.

Change Reference	Policy/Paragraph	Page in Submission Neighbourhood Plan	Description of Modification	Explanation of modification
			<p>'Proposals for Manydown Country Park shall demonstrate how it will be integrated into the wider public rights of way network of the Plan Area. This shall include: <del>Improved 'way' marking both within the country park and the surrounding countryside;</del> and <del>P</del>public rights of way information/education displays within the Country Park.</p> <p>'Development proposals within the Plan Area must safeguard the character, use and amenity of existing footpaths and bridleways.'</p>	
WSL NP 10	Policy WSL4: Light Pollution	25	<p>Recommendation of modification of Policy WSL4: Light Pollution to read:</p> <p>Outside the Manydown site allocation, development proposals that include external lighting must be accompanied by a lighting scheme <del>prepared in accordance with</del> <u>that has regard to</u> the latest national design guidance*.</p> <p>Permission will only be granted where the submitted lighting scheme demonstrates that the following criteria can be achieved:</p> <ol style="list-style-type: none"> <li>1. There is no adverse impact on neighbouring uses or the wider landscape;</li> <li>2. Will not have any adverse impacts on the habitats of protected species;</li> </ol>	To provide precision

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			<p>3. Light levels are the minimum required for essential security and working purposes; and</p> <p>4. The potential for glare and spillage is kept to a minimum.</p> <p>Where appropriate, conditions will be imposed that will seek to control the times of external illumination.</p> <p>Where the proposal is for new or extended buildings, the submitted details should demonstrate that they have been designed to avoid unnecessary light spillage from internal lighting.</p> <p><u>*Current guidance is</u> The Institution of Lighting Engineers ‘Guidance Notes for the Reduction of Obtrusive Light’ <del>2005</del>-(2011).</p>	
WSL NP 11	Paragraph 4.6.5	26	Paragraph 4.6.5 should be updated to reflect the latest guidance from the Institution of Lighting Engineers.	Minor editing matter.
WSL NP 12	Policy WSL5: New Dwellings	27	<p>Modification of Policy WSL5: New Dwellings to read:</p> <p><u>New dwellings market housing that is unrelated to the essential needs of a rural business and are outside the Manydown site allocation in the Local Plan</u> will only be permitted in the following circumstances:</p> <ol style="list-style-type: none"> <li>1. Where the proposed dwelling(s) meet the criteria set out in Policy SS6 of the Local Plan. or</li> </ol>	To meet basic conditions.

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			<p>2. The infilling of a restricted gap within the settlements of Wootton St Lawrence, <i>West Heath</i>, <i>Charter Alley</i> and <i>Ramsdell</i> (<u>outside the North Wessex Downs Area of Outstanding Natural Beauty</u>), subject to:</p> <ul style="list-style-type: none"> <li>a) The gap being within an otherwise continuous built up frontage to the public highways used by vehicular traffic.</li> <li>b) The gap is not exceeding a width of 30 meters when measured between the buildings on either side.</li> <li>c) <u>The proposal otherwise meeting the criteria set out in criterion e) in Policy SS6 of the Local Plan.</u></li> </ul> <p><del>Other dwellings permitted for the circumstances set out in Local Plan Policy S6 (f) no dwelling consented should exceed 100 square meters gross external area (GEA) and where more than one unit is provided then at least 50% of the new units should not exceed 80 square meters gross external area (GEA).</del></p> <p><u>All proposals for new dwellings market housing that are unrelated to the essential needs of rural businesses and are outside the Manydown site allocation in the Local Plan must should demonstrate how the types of dwellings provided will help meet the housing needs of the Parish,</u></p>	

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			<p><u>particularly through the provision of dwellings designed for smaller households, as sought by Principle 3.1 of the Borough Council's Housing Supplementary Planning Document (2018).</u> they meet the following criteria:</p> <p>1) <del>There would be no harm to the amenities enjoyed by the occupiers of neighbouring properties by reason of overlooking or overshadowing,</del></p> <p>2) <del>Respects the character and pattern of surrounding development,</del></p> <p>3) <u>All proposals for market housing that are unrelated to the essential needs of rural businesses and are outside the Manydown site allocation in the Local Plan should demonstrate that they-# would not lead to the loss of attractive features on or adjoining the site such as trees, hedges, walls or buildings that contribute to the character of the area.</u></p>	
WSL NP 13	Paragraph 4.8.4	28	Modification of paragraph to delete reference to the removal of permitted development rights.	To meet the basic conditions.
WSL NP 14	Paragraph 4.7.1	26	Modification of paragraph 4.7.1 to note that Policy WSL6 does not apply to land within the Manydown site allocation.	Minor editing matter.
WSL NP 15	Policy WSL 6: Replacement or Extension of Dwellings	29	<p>Modification of Policy WSL6: Replacement or extension of dwellings to read:</p> <p><u>This policy only applies outside the Manydown site allocated in the Local Plan.</u></p>	To meet the basic conditions.

Change Reference	Policy/Paragraph	Page in Submission Neighbourhood Plan	Description of Modification	Explanation of modification
			<p>The replacement or extension of a 'dwelling' will be permitted where the proposal accords with the criteria set out in criterion (d) of Policy SS6 of the Basingstoke and Deane Local Plan (2011-2029) and provided that:</p> <ol style="list-style-type: none"> <li>1. It would not result in a disproportionate increase in size over the existing dwelling</li> <li>2. It is sympathetic to the appearance and character of the existing dwelling and the surrounding area</li> <li>3. It would not harm the amenities enjoyed by the occupiers of neighbouring properties by reason of overlooking or overshadowing</li> <li>4. It does not lead to the loss of attractive features on or adjoining the site such as trees, hedges, walls or buildings that contribute to the character of the locality</li> </ol> <p>Ancillary annexe accommodation</p> <p>Where an extension is to provide for a residential annexe it should accord with the above criteria and:</p> <ol style="list-style-type: none"> <li>a) Not <u>be</u> capable of being made into a separate dwelling</li> <li>b) Be linked internally to the principal dwelling and be designed in such a way as to easily enable the annexe to be used as an integral part of the main dwelling at a later date. A separate external entrance to the annexe may be acceptable</li> </ol>	

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			<p>provided it is subsidiary to the entrance to the principal dwelling.</p> <p>c) Have no boundary demarcation or sub-division of garden areas between the curtilage of the principal dwelling and the annexe.</p> <p>The following supporting text should be inserted:</p> <p><u>'The purpose of Policy WSL6 is not to prevent modest increases in the size of dwellings to allow homes to grow to meet the needs of families, rather to prevent developments which fundamentally alter the scale and character of the dwelling and result in the loss of a smaller, more affordable dwelling.'</u></p>	
WSL NP 16	Policy WSL 7: Detached buildings in the Gardens of Dwellings	30	<p>Modification to Policy WSL7: Detached buildings in the gardens of dwellings to read:</p> <p><u>This policy only applies outside the Manydown site allocated in the Local Plan.</u></p> <p>Where planning permission is required, proposals for new garages and other incidental buildings in the garden of a dwelling will normally be supported provided they:</p> <ol style="list-style-type: none"> <li>1. Are not excessive in size and are well related to the dwelling they serve</li> </ol>	

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			<ol style="list-style-type: none"> <li>2. Do not constitute a dominant feature, having regard to the scale of the existing dwelling nor detract from the rural character or appearance of the locality</li> <li>3. Would not harm the amenities enjoyed by occupiers of neighbouring properties by reason of overlooking or overshadowing</li> <li>4. Are only for purposes incidental to the residential use of the existing dwelling and</li> <li>5. Are not readily capable of subsequent conversion to separate, self-contained, residential accommodation.</li> </ol>	
WSL NP 17	Policy WSL 8: Residential Garden Extensions	31	<p>Recommendation that the policy and supporting text (paras 4.9.6-4.9.8), and paragraph 4.9.5 (which refers to permitted development right restrictions when gardens are extended) is deleted:</p> <p>Deleted policy wording:  <del>'Planning permission will only be permitted for the change of use of agricultural land to domestic garden where it would not facilitate built development and it respects and enhances:</del></p> <ol style="list-style-type: none"> <li><del>1. The landscape character and visual qualities of the surrounding area</del></li> <li><del>2. The setting of a settlement, including important views, to across, within and out of settlements.'</del></li> </ol>	To meet the basic conditions.
WSL NP 18	Paragraph 4.11.2	33	Modification of paragraph 4.11.2 which refers to WSL 10, where it should be referring to WSL 9.	Minor editing matter

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WSL NP 19	Policy WSL 9: Valued Facilities	33	The inclusion of inset OS based map(s) at an appropriate scale that ensure the precise boundaries of the Valued Facilities are clearly identifiable.	To meet the basic conditions.
WSL NP 20	Policy WSL 9: Valued Facilities	33	Modification to the Table in Figure 12 to exclude the recreation ground at Ramsdell from Policy WSL 9 as this is covered by Policy WSL 2: Local Green Space.  The recreation ground and equipped children's play area at Wootton St Lawrence should similarly be excluded from this table and the West Heath allotments should be included as they have been defined as Valued Facility and covered by Policy WSL9: Valued Facilities.	To meet the basic conditions.
WSL NP 21	Paragraph 4.11.3	35	Paragraph to be deleted, as there is some overlap between Local Green Spaces and Valued Facilities which has been addressed by other modifications:  Deleted paragraph wording:  'Several of the facilities are located within land which has been designated Local Green Space under Policy WSL2 of this Plan. Proposals resulting in improvements to an existing 'Valued Facility' located in Local Green Space will constitute the 'very special circumstances' required by Policy WSL 2.'	To meet the basic conditions.
WSL NP 22	Policy WSL 10: Provision of	36	Modification to Policy WSL 10: Provision of Community Facilities to read:	To meet the basic conditions.

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	Community Facilities		<p>4. Where there is a clearly demonstrated need, new, replacement and relocated day nurseries, church and village halls will be permitted provided:</p> <p>2. <u>1.</u> That there are appropriate levels of parking provided</p> <p>3. <u>2.</u> Where it is a replacement or relocated facility, it should be at least equivalent to the capacity and quality as the existing facility</p> <p>4. <u>3.</u> It does not adversely affect the amenities enjoyed by any nearby residential properties</p> <p>5. <u>4.</u> It is well related in both visual and accessibility terms to either Ramsdell or Wootton St Lawrence and</p> <p>6. <u>5.</u> The building is of a scale and design that is in keeping with its surroundings.</p> <p><u>The policy does not apply to the Manydown site allocated in the Local Plan.</u></p>	
WSL NP 23	Paragraph 4.11.5	36	Modification of paragraph 4.11.5 as it refers to WSL 11, where it should be referring to Policy WSL 10.	Minor editing matter.
WSL NP 24	Policy WSL 11: Employment Sites	37	<p>Modification to Policy WSL11 because as it is currently worded there is some repetition with the policy. Policy WSL 11 should be modified to read:</p> <p><del>'Where new or extended employment uses are proposed, then, subject to all other relevant development planning policies, it they will be permitted where they:</del></p> <p>'Where new or extended employment uses are proposed, then, subject to all other relevant development planning policies, it they will be permitted where they:</p>	Minor editing matter.

Change Reference	Policy/Paragraph	Page in Submission Neighbourhood Plan	Description of Modification	Explanation of modification
			<ol style="list-style-type: none"> <li>1. Accord with all relevant development plan policies, including the criteria set out in Local Plan Policy EP4, and</li> <li>2. Would not adversely impact on the amenities enjoyed by nearby residential properties.</li> </ol>	
WSL NP 25	Paragraph 4.13.2	38	Modification of paragraph 4.12.2 as it refers to Policy WSL 12 where it should be referring to Policy WSL 11.	Minor editing matter.
WSL NP 26	Paragraph 5.2	39	<p>Modification of paragraph 5.2 to read as follows:</p> <p>Some of the issues raised relate to the impacts that will, inevitably, arise from the Manydown Garden Town development. <del>And</del> <u>Where they meet the tests in the Community Infrastructure Levy Regulations (2010)</u>, the Parish Council will be seeking <u>relevant</u> financial contributions through an agreement under the provisions of the Section 106 of the Town and Country Planning Act 1990 that the Borough Council will be securing from developers.</p>	To meet the basic conditions.
WSL NP 27	Paragraph 5.3	39	Consequential update to Paragraph 5.3 in light of modifications to paragraph 5.2.	Minor editing matter.

Please note that as a result of the Examiner's recommended modifications, consequential changes also likely to be needed to be made to the Plan in order to avoid factual errors and inaccuracies (Schedule 4B paragraph 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 unless referenced in the Examiner's report. .