



Basingstoke and Deane Local Planning Authority

Bramley Neighbourhood Plan 2011 – 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 Bramley Neighbourhood Plan (NP). This statement confirms that the modifications proposed by the Examiner's Report on the Bramley 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 Bramley 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 22 March 2013 BDBC designated the Bramley Neighbourhood Area for the purpose of preparing a Neighbourhood Plan. The plan area covers the parish of Bramley and lies solely within the Basingstoke and Deane Local Planning Authority Area.
- 2.2 Bramley Parish Council, the qualifying body, submitted the draft Bramley NP and supporting documents to BDBC in June 2016.
- 2.3 Following submission of the Bramley NP, BDBC publicised the Plan and supporting documents and invited representations during the consultation period which ran from 18 July to 5 September 2016.

- 2.4 BDBC, with the consent of Bramley Parish Council, appointed an independent examiner, Ms Janet Cheesley, to review the Plan and consider whether it should proceed to referendum.
- 2.5 The Examiner's Report was received on 21 October 2016 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 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 Bramley 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 Bramley NP, 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 Strategic Environmental Assessment (SEA) findings presented in the SEA Environmental Report, and the revisions will not have significant environmental effects which were not previously assessed through the SEA process.
- it agrees with the Examiner's recommendation to proceed to a referendum based on the Bramley Neighbourhood Area as approved by the council on 22 March 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 Bramley NP, as revised). These documents will be made available during the referendum period for inspection including at the Council's Civic Offices.

Schedule of Modifications to the Bramley Neighbourhood Plan

Appendix 1: Modifications in line with the Examiner's recommendations and in consent with Bramley Parish Council

Change Reference	Policy/Paragraph/Map in the Bramley Neighbourhood Plan	Page(s) in the Bramley Neighbourhood Plan	Description of Modification	Explanation of Modification
BNP1	Preface		The statement 'Primary school at breaking point with no further opportunity for expansion' to be modified as it is inaccurate. Hampshire County Council (HCC) as the education authority stated in their representation that 'the primary school has places available and can be expanded further by 105 places'.	<p>In order to meet the basic conditions and accurately reflect the existing primary school situation as expressed by HCC in their representation to the consultation on the Submission Bramley NP.</p> <p><u>Note following examination:</u></p> <p>Bramley Neighbourhood Planning Group and HCC have mutually agreed wording to replace 'Primary school at breaking point with no further opportunity for expansion'. The wording is different to that suggested by the HCC in their representation to the consultation on the Submission Bramley NP. The new wording more accurately reflects the current primary school</p>

				situation and is also factual.
BNP2	Paragraph 2.34	11	The statement 'the village school has not been improved to keep pace with the level of development' should be removed from the plan as it is inaccurate. HCC stated in their representation that 'the school has received significant capital investment in recent years to expand provision and improve facilities'.	<p>In order to meet the basic conditions and accurately reflect the existing primary school situation as expressed by HCC in their representation to the consultation on the Submission Bramley NP.</p> <p><u>Note following examination:</u></p> <p>Bramley Neighbourhood Planning Group and HCC have mutually agreed wording to replace 'Primary school at breaking point with no further opportunity for expansion'. The wording is different to that suggested by the HCC in their representation to the consultation on the Submission Bramley NP. The new wording more accurately reflects the current primary school situation and is also factual.</p>

BNP3	Paragraph 4.02	17	Modification to the paragraph to refer in full to the wording of the basic conditions as set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).	In order to provide an accurate reference to the basic conditions.
BNP4	Paragraph 4.16	19	Modification to the paragraph to reflect the recent judgement of the Court of Appeal (May 2016) in respect of affordable housing thresholds, which supersede the thresholds established in Policy CN1 of the Adopted Local Plan (ALP)	To reflect national policy on thresholds for affordable housing provision.
BNP5	Paragraph 5.05	22	Deletion of the following wording 'Furthermore the strategic housing allocations contained in the Local Plan 2011-2029 will continue this trend'.	In order to meet the basic conditions and ensure the neighbourhood plan is precise.
BNP6	Paragraph 5.35	30	Modification to the paragraph to reflect the recent judgement of the Court of Appeal (May 2016) in respect of affordable housing thresholds, which supersede the thresholds established in Policy CN1 of the ALP.	To reflect national policy on thresholds for affordable housing provision.
BNP7	Paragraph 6.03	32	Modification to the paragraph to refer in full to the wording of the basic conditions as set out in paragraph 8 of Schedule 4B of the Town and Country planning Act 1990 (as amended).	In order to provide an accurate reference to the basic conditions.
BNP8	Paragraph 6.18	34 & 35	Deletion of the reference to '10 dwellings or more'.	In order to provide a practical framework for decision making and ensure the plan is in line with BDBC's Adopted Green Space Standards.
BNP9	Policy H1	35	Policy wording to be modified as follows: <i>'New housing development outside the Bramley Settlement Policy Boundary will</i>	In order to meet the basic conditions.

			<p><i>only be supported if it is in accordance with relevant Local Plan policies for new housing in the countryside. The Bramley Settlement Policy Boundary is shown in illustration 6a.</i></p> <p><i>All new housing developments must make a proportionate contributions to the provision or improvement of local services, facilities and infrastructure, at a rate, scale and pace to meet the needs and requirements that are expected to arise from that development, in order to maintain or improve upon levels of provision in Bramley extant in 2016, including the provision of public green space in accordance with Basingstoke and Deane Borough Council's Green Space Standards'.</i></p> <p>Text elsewhere in the Plan, particularly in Section 5, to reflect the modification to delete the first paragraph in Policy H1.</p>	
BNP10	Paragraph 6.24	37	Modify paragraph to refer to decisions for small scale development in the countryside being allowed in limited circumstances, where it can be demonstrated that it would meet a local need, as agreed in consultation with the Parish Council.	To ensure precision and provide a practical framework for decision making.
BNP11	Paragraph 6.33	38	Amendments made to the paragraph to reflect the new wording of Policy H2.	In order to meet the basic conditions and reflect the updated wording in Policy H2.
BNP12	Policy H2	38	Policy wording to be modified as follows: <i>'All proposals for new housing development must demonstrate how the types of</i>	In order to meet the basic conditions and accord with BDBC's Housing Allocation Policy.

			<p><i> dwellings provided will help ensure a balanced mix of housing for Bramley, particularly through the provision of dwellings designed for smaller households, including accessible purpose-designed accommodation for older persons, or one or two-bedroom accommodation suitable for younger persons and small families. In all new housing development providing affordable housing the occupancy of affordable homes will be prioritised for households with a local connection with the parish of Bramley, as defined by the Basingstoke and Deane Borough Council Housing Allocations Scheme and any relevant planning policy guidance.</i></p> <p><i>The precise housing mix of new development will be determined on a site-by-site basis, having regard to viability and other relevant factors'</i></p>	
BNP13	Paragraphs 6.35	38	Amendments made to the paragraph to reflect the new wording of Policy H2.	In order to meet the basic conditions and reflect the updated wording in Policy H2.
BNP14	Table 6A	40	Deletion of sites L, R, N, S and T from Table 6A.	<p>In order to avoid internal conflict in the plan and to provide a practical framework for decision making.</p> <p><u>Note following examination:</u> Area S defined in Illustration 6b of the Submission</p>

				Bramley NP is not in the correct location due to a drafting error. Area S will be edited to be in the correct location. As a result Area S is not the same land covered by Local Green Space 7 defined on Illustration 6e.
BNP15	Policy CVA1	42	<p>Policy wording to be modified as follows:</p> <p><i>'Development proposals which affect Community-Valued Assets identified in Table 6A, or in the Register of Assets of Community Value held by Basingstoke and Deane Borough Council, must not result in the loss of, or have an adverse effect on, the asset or assets concerned, unless satisfactory alternative facilities are provided; or unless it can be clearly proven that such assets are no longer required; or unless they will provide sufficient community benefit to outweigh the loss of the existing facility, meeting evidence of a local need.</i></p> <p><i>Opportunities will be taken whenever possible to improve or enhance Bramley Community-Valued Assets by the use of appropriate planning agreements, conditions or levies.</i></p>	In order to meet the basic conditions
BNP16	Policy CVA2	43	<p>Amendment to the policy text to add reference to viability.</p> <p><i>When planning permission is granted for development in Bramley, opportunities will</i></p>	In order to meet the basic conditions and ensure the plan is precise.

			<i>be taken to provide facilities and amenities of community value, <u>subject to viability</u>, in accordance with priorities identified in this Neighbourhood Plan or otherwise determined by Bramley Parish Council in consultation with the local community.</i>	
BNP17	Policy D1	44	<p>Deletion of part of the policy wording, 'Prospective developers must explain, in a Design and Access Statement or otherwise in writing how the proposed development will'.</p> <p>Policy wording to be modified as follows:</p> <p><i>Development in and around Bramley village must protect, complement or enhance the Character Area(s) identified in the Bramley Village Character Assessment within or adjacent to which it is located.</i></p> <p><u><i>Development will be supported where it protects, complements or enhances the relevant Character Area(s) with regard to</i></u></p> <p><i>a) the scale and form of the development, b) the density of the development, c) the materials used in the development, d) important views identified in Appendix D and shown in Illustration 6c, and e) the local historic environment, where relevant.</i></p>	In order to meet the basic conditions.
BNP18	Illustration 6c	45	Replace with an OS map or maps at an appropriate scale that precisely identifies important views with an attached legend. In	To provide clarity and precision.

			addition, all important views listed in Appendix D should be identified on the new map. Clarification should be made in Policy D1 if there is the absence of some of the important views listed in Appendix D on the revised map(s).	
BNP19	Paragraph 6.60	46 & 47	Delete references to Design and Access Statements and other written statements.	In order to meet the basic conditions.
BNP20	Paragraph 6.67	47	Delete references to Design and Access Statements and other written statements.	In order to meet the basic conditions.
BNP21	Policy D2	48	<p>Deletion of the policy wording ‘Prospective developers must explain, in a Design and Access Statement or otherwise in writing, how the design of the proposed development responds to each of the principles set out in Policy D2’. Replace the wording of criterion k of the policy ‘Be able to be efficiently managed and be safe to use’ with ‘<i>Contribute to the provision of a safe environment</i>’.</p> <p>Policy wording to be modified as follows:</p> <p><i>New development in Bramley must deliver good quality design. In order to achieve this all new development must wherever possible</i></p> <p><i>a) Respond to the existing traditional built form in terms of enclosure and definition of streets and spaces;</i></p> <p><i>b) Be well integrated with its surroundings by reinforcing existing connections and creating new ones;</i></p> <p><i>c) Provide convenient access to community services and facilities;</i></p>	In provide a practical framework for decision making, to ensure precision and to meet the basic conditions.

			<p>d) Have good access to public transport or otherwise help reduce car dependency;</p> <p>e) Make positive use of the local topography, landscape and water features, trees and plants, wildlife habitats, existing buildings, site orientation and microclimate;</p> <p>f) Provide buildings, landscaping and planting to create well defined streets and attractive green spaces within the development which satisfactorily meet the needs of users;</p> <p>g) Make use of views and landmarks visible from within and from outside the site in order to organize the layout of the development and make it legible for visitors;</p> <p>h) Provide streets which encourage low vehicle speeds and which can function as safe, social spaces;</p> <p>i) Integrate car parking within landscaping so that it does not dominate the street;</p> <p>j) Clearly distinguish between public and private spaces;</p> <p>k) Contribute to the provision of a safe environment</p> <p>l) Provide convenient, well-screened storage space for bins and recycling, and for bicycles;</p> <p>m) Provide a Connectivity Statement explaining how the development will provide for a fibre optic connection.</p> <p><i>Policy D2 will be applied flexibly when very high quality, innovative designs are proposed.</i></p>	
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BNP22	Policy RE1	49	<p>Policy wording to be modified as follows:</p> <p><i>'Planning applications for developments in Bramley which are located within an area at risk from flooding must include mitigation measures, giving priority to the use of sustainable drainage systems</i></p> <ul style="list-style-type: none"> <i>a) To ensure that surface water run-off will not be increased and if possible will be reduced, and</i> <i>b) To ensure that the development will not increase the risk of flooding elsewhere</i> <p><i>Sustainable Drainage Systems, or other appropriate mitigation measures identified in relevant Flood Risk Assessment, should be satisfactorily integrated into the design and layout of the developments'.</i></p>	In order to meet the basic conditions.
BNP23	Paragraph 6.75	50	<p>Deletion of the last sentence of the paragraph 'Where there is a capacity problem and no improvements area programmes by the water company to agree what improvements are required and how they will be funded prior to any occupation of the development' and replace with the following wording:</p> <p><i>'Where there is a capacity problem and no improvements are programmed by the water company, then the developer needs to contact the water company to agree what improvements are required and how they will be delivered prior to any occupation of the development'.</i></p>	In order to accurately reflect the situation in respect of water supply and sewerage infrastructure as stated by Thames Water Utilities Ltd.

BNP24	Paragraph 6.76	50	<p>Deletion of the paragraph and replace with the following wording:</p> <p><i>'In view of the timescales sometimes necessary to model the impact of proposed new development on sewerage infrastructure, developer are advised to contact the sewerage undertaker, Thames Water, as early as possible in the design process'.</i></p>	In order to accurately reflect the situation in respect of water supply and sewerage infrastructure as stated by Thames Water Utilities Ltd and in the interest of precision.
BNP25	Paragraph 6.79	50	Delete references to Design and Access Statements and other written statements.	In order to meet the basic conditions.
BNP26	Policy RE2	51	Deletion of the policy, accompanying text and Illustration 6d. Reference to identifying the Bullsdown Iron Age Plateau Fort as a Scheduled Monument to be retained under Section 2 of the Neighbourhood Plan.	In order to meet the basic conditions.
BNP27	Policy RE3	53	<p>Deletion of the policy text 'Development on designated Local Green Space will not be supported, unless it can be clearly demonstrated that it will complement or enhance, and will not adversely affect, the character of the Local Green Space concerned', and replace with the following wording:</p> <p><i>'Development on designated Local Green Space will only be permitted in very special circumstances'.</i></p> <p>Policy wording to be modified as follows:</p> <p><i>Bramley's strong rural character is derived from key areas of undeveloped open land around and within the village: these areas</i></p>	In order to meet the basic conditions.

			<p><i>are shown in [Illustration 6e] and are designated as Local Green Space in this Neighbourhood Plan.</i></p> <p><i>Development on designated Local Green Space will only be permitted in very special circumstances.</i></p>	
BNP28	Paragraph 6.95	54	Amend paragraph to accord with modified policy wording for Policy RE3.	In order to meet the basic conditions.
BNP29	Paragraph 6.96	54	Amend paragraph to accord with modified policy wording for Policy RE3.	In order to meet the basic conditions.
BNP30	Illustration 6e	54	Replace illustration with OS maps at an appropriate scale that clearly identifies the precise boundaries of the Local Green Spaces covered by Policy RE3.	To ensure the precise boundaries of the Local Green Spaces are clearly identifiable.
BNP31	Policy RE4	55	<p>Policy wording to be modified as follows:</p> <p><i>'Development proposals will only be permitted if, significant harm to biodiversity and/or geodiversity resulting from a development, (including to important trees, hedgerows and woodland identified in Appendix E to this Neighbourhood Plan and [Illustration 6f]), can be avoided or, if that is not possible, adequately mitigated and where the development is in accordance with Basingstoke and Deane Local Plan Policy EM4.</i></p> <p><i>New trees and hedgerows planted with new development in the parish must reinforce and reflect local biodiversity.</i></p>	In order to meet the basic conditions, ensure no internal conflict with the policy and provide a practical framework for decision making.

			<i>Proposals for public access to areas of important trees, hedgerows and woodland in Bramley will be supported and encourages where they will cause significant harm to biodiversity and/or geodiversity’.</i>	
BNP32	Illustration 6f	56	Replace with an OS map/maps at an appropriate scale that clearly identifies the important trees, woodland and hedgerows.	To ensure precision.
BNP33	Policy T1	58	Policy wording to be modified as follows: <i>‘The development, improvement and extension of the footpath and cycleway network, as identified in Illustration 6, will be supported and encouraged in order to provide better connectivity within the village, safe routes to school and better access to the countryside and to surrounding destinations.’</i>	In order to meet the basic conditions and provide a practical framework for decision making.
BNP34	Illustration 6g	59	Modification to the map to indicate that the National Cycle Route continues both north and south of the parish.	To ensure clarity.
BNP35	Paragraph 6.121	60	Modify paragraph to ensure that contributions can only be sought where they meet the statutory tests in the Community Infrastructure Levy Regulations 2010.	In order to meet the basic conditions.
BNP36	Paragraph 6.124	60	Modify paragraph to reflect the modifications to Policy T2.	In order to provide a practical framework for decision making.
BNP37	Paragraph 6.128	61	Modify paragraph to reflect the modifications to Policy T2.	In order to meet the basic conditions.
BNP38	Paragraph 6.129	61	Modify paragraph to reflect the modifications to Policy T2.	In order to meet the basic conditions.
BNP39	Policy T2	61	Policy wording to be modified as follows:	In order to meet the basic conditions.

			<i>'Development proposals will not be supported if it is demonstrated that there will be a severe adverse impact on road safety at the known traffic hazards identified in Appendix G that cannot be satisfactorily mitigated.'</i>	
BNP40	Policy E1	63	<p>Deletion of the policy text for criterion b and replacement with the following wording <i>'no adverse impact on the character and appearance of the surrounding natural or built environment will result from the proposed development when assessed against other policies in their neighbourhood Plan or the Basingstoke and Deane Local Plan; and'</i>.</p> <p>Deletion of the final sentence of the policy text and replace with the following wording: <i>'Wherever possible the development must provide suitable ducting to enable more than one service provider to provide a fibre connection to the development.'</i></p> <p>Policy wording to be modified as follows:</p> <p><i>Proposals for the development of new small businesses and for the expansion or diversification of existing businesses in the parish of Bramley will be encouraged, providing that</i></p> <p><i>a) it can be demonstrated that there will be no unacceptable adverse impact resulting from increased traffic, noise, smell, lighting, vibration or other</i></p>	In order to meet the basic conditions and provide a practical framework for decision making.

			<p><i>emissions or activities generated by the proposed development; and</i></p> <p><i>b) no adverse impact on the character and appearance of the surrounding natural or built environment will result from the proposed development when assessed against other policies in this Neighbourhood Plan or the Basingstoke and Deane Local Plan; and</i></p> <p><i>c) where appropriate, opportunities are taken to secure the re-use of vacant or redundant historic buildings as part of the development.</i></p> <p><i>Where relevant, development proposals for new employment development must provide a Connectivity Statement setting out how the development will provide for a fibre optic connection to the nearest connection point in the public highway. Wherever possible the development must provide suitable ducting to enable more than one service provider to provide a fibre connection to the development.</i></p>	
BNP41	Appendix G		<p>Modify Appendix G to provide clarity on the solutions that do/do not have the support of the Highway Authority.</p>	<p>In order to provide a practical framework for decision making and accurately reflect the schemes that have support of the Highways Authority.</p> <p><u>Note following examination:</u></p>

				<p>Bramley Neighbourhood Planning Group and HCC have mutually agreed the following wording to be added to Appendix G to provide clarity on the solutions that do/ do not have the support of the Highway Authority:</p> <p>“Community suggested solutions as yet to be discussed with Hampshire Highways”</p>
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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 not all listed in the schedule.