

Overton Neighbourhood Plan Open Letter to Overton Parish Council 10 November 2025

Paragraph 1.10.5. in Part 2 of the *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and Examiners* advises that: *the independent examiner will initially undertake a high-level assessment of the plan documents. If there is an obvious and potentially fatal flaw, the independent examiner will write to alert the local planning authority and qualifying body.*

I have undertaken an initial high-level assessment and, I have identified a fatal flaw. In doing so, I have taken into consideration all documents received, including the Parish Council's response to the Regulation 16 representations in their letter dated 8 November 2025.

Paragraph 009 Reference ID: 41-009-2019050 in the national Planning Practice Guidance states:

Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place?

Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its local plan (or, where applicable, a spatial development strategy is being prepared by an elected Mayor or combined authority). A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.

Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

*the emerging neighbourhood plan
the emerging local plan (or spatial development strategy)
the adopted development plan
with appropriate regard to national policy and guidance.*

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.

The development plan for the Overton Neighbourhood Plan Area includes the Basingstoke and Deane Local Plan (2011 to 2029) adopted on 26 May 2016. Basingstoke and Deane Borough Council (BDBC) is in the early stages of preparing an updated Local Plan.

In a letter to the Parish Council dated 3 July 2025, BDBC stated: Overton's current indicative housing requirement is a minimum of 250 dwellings. It is recognised that the ongoing Local Plan process provides some future uncertainty, so it is strongly advised that the parish council progresses the plan as quickly as possible.

AECOM prepared the *Strategic Environmental Assessment (SEA) for the Overton Neighbourhood Development Plan* in January 2025. It states: *The draft ONDP has been prepared in the context of the Basingstoke and Deane Local Plan, and the emerging Local Plan Update. Basingstoke and Deane Borough Council indicate (in the Local Plan Update) a minimum of 250 new homes are needed within Overton over the plan period to 2040 to contribute to meeting overall housing needs in the borough. At that time, the SEA was considering the capacity of the site at Overton Mill (Portals Mill) as being some 340 dwellings.*

AECOM prepared the *Overton Neighbourhood Development Plan Habitats Regulation Assessment* in January 2025 (HRA). Paragraph 5.2 states: *Any new residential or employment development in Overton as a result of the Neighbourhood Plan has potential to result in increased levels of nutrients entering the Solent catchment zone. While the level of development in the NDP is moderate (340 net*

new dwellings), this could operate 'in combination' with all other existing and future development connected to Overton WwTW.

Policy H2 in the Submission Plan allocates the Portals Mill for approximately 400 homes, together with employment and retail development and parking facilities for the railway station. It encourages the retention of buildings of historic value within the site. Access is proposed via both Papermill Lane and Kingsclere Road.

The following extract from a letter dated 8 November 2025 from the Parish Council in response to the Regulation 16 consultation representations states : *The decision to increase the estimated yield for Portals Mill in the submitted ONP was made solely on the basis that the site promoter had undertaken further work and consultations, and now advised that the potential yield could be at least 400 dwellings. We amended the figure of 340 dwellings which had been used in the BDBC Regulation 18 consultation as a positive response so as not to place a policy barrier to the delivery of new homes on a brownfield site. It was a step entirely consistent with national planning policy to support new housing delivery, but it was not made in response to any new information from BDBC which, as we have pointed out, still told us that the housing requirement remained at 250.*

BDBC publicised the Submission Neighbourhood Plan for comment during the publicity period between 4 September 2025 and 16 October 2025 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. In their Regulation 16 representations, BDBC explained that a revised spatial strategy had increased the housing requirement for Overton to 410 dwellings. This was discussed at the Economy and Infrastructure Committee on 4 September 2025, at the start of the Regulation 16 consultation period for the Submission Neighbourhood Plan.

The following extract from the letter dated 8 November 2025 from the Parish Council in response to the Regulation 16 consultation representations states: *The parish council was not informed in advance by BDBC that it would be revising that housing requirement for Overton before this was confirmed at the meeting of the Economy and Infrastructure Committee in September 2025 i.e. some weeks after the ONP was submitted to BDBC. It is for this reason, and no other, that neither our plan nor any supporting document has addressed the revised numbers or provided a detailed explanation of how we might respond to it.*

I realise that the Parish Council has acted in good faith to produce a Plan that allows for the indicative figure of 250 additional dwellings in the Parish. I have great sympathy for all those involved in this situation where the indicative figure has been so significantly increased at such a late stage. Nevertheless, unfortunately I have the following concerns.

A SEA needs to legally comply with obligations in the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended). These set out various legal requirements and stages of the SEA. The SEA only considered an indicative figure of 250 dwellings and only considered the capacity of the site at Portals Mill as being some 340 dwellings. In addition, I am concerned that the SEA grouped sites together into alternatives without fully assessing the relative benefits and harms of each or meaningfully comparing the sites with each other.

An HRA has to meet obligations under the Conservation of Habitats and Species Regulations 2017. The submitted HRA considered the level of development proposed at Portals Mill to be some 340 dwellings. Quite understandably, neither of these assessments took into consideration the revised indicative figure of 410 dwellings for the Parish. In addition, neither assessment considered the capacity of the Portals Mill site to be able to provide approximately 400 dwellings. Unfortunately, this does mean that neither report is legally compliant.

Given that both the SEA and HRA reports do not comply with legal requirements, there are no modifications I can recommend remedying this circumstance. Unfortunately, this requires the SEA and HRA process to be revisited to meet these requirements.

BDBC has expressed some concern regarding the capacity of the Portals Mill site. Should the Parish Council continue to want to include land for housing development in its Neighbourhood Plan and continue to consider Portals Mill as a potential housing site, robust evidence would be required to justify the proposed capacity of approximately 400 dwellings.

I note that Land Investment Projects Ltd has stated in its Regulation 16 representations: *As technical investigation and masterplan testing has progressed, this has evidenced that approximately 400 homes can be delivered on the site.* However, these representations object to a number of criteria in Policy H2, including the proposed employment and retail development and the retention of buildings of historic value. This could have implications for the viability and capacity of the site to provide approximately 400 dwellings. None of the evidence presented to me clearly justifies the capacity proposed.

Due to the particular circumstances outlined above, I felt it important that I visited the Parish to fully understand the issues involved. In addition, in the interest of fairness, I considered it important to wait for the Parish Council's response to the Regulation 16 representations, which I received on 8 November. I have considered whether to hold an exploratory meeting or a hearing before reaching my conclusion. It is clear that the spatial distribution in the emerging Local Plan is based on up-to-date evidence and the introduction of a new methodology for calculating borough wide housing need. As the SEA and HRA do not take into account the up-to-date housing

need evidence informing the emerging Local Plan, I see no benefit to any party for a meeting or hearing to be held.

I would like to give the Parish Council the opportunity to prepare both a revised SEA and HRA. These should take into consideration the revised indicative figure of 410 dwellings for the Parish and include a housing capacity for the Portals Mill site that can be justified by robust evidence.

Whatever the outcome of the findings of the revised SEA and HRA, the Basic Conditions Statement and Consultation Statement will need updating to refer to the revised SEA and HRA and the Submission Plan will at least have to be updated, and policies possibly revised. This will require further consultation.

In light of the above, I would like to give the Parish Council the opportunity to consider whether it wishes to withdraw the Submission Plan from examination or whether I continue with the examination with the understanding that I will recommend the Plan does not proceed to referendum. I have yet to examine the Submission Plan in detail and there may be other modifications required to meet the Basic Conditions. I am not seeking, and will not accept, any representations from other parties regarding this matter at this stage.

Once the necessary documents have been revised and relevant consultation has been undertaken, a further Submission Plan can be the subject of examination. I realise that this is an important consideration for the local community. I would like to give the Parish Council 14 days from receipt of this letter to respond. If further time is required, for example to coincide with a Parish meeting, please let me know.

Please can this open letter be placed on the Basingstoke and Deane Borough Council's webpage for the Plan.

If the Parish Council agrees to withdraw the Submission Plan, please can all those who have made representations on this issue at the Regulation 16 stage be informed.

Janet Cheesley