



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

### **Oakley and Deane 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 Oakley and Deane Neighbourhood Plan (ODNP). This statement confirms that the modifications proposed by the Examiner's Report on ODNP 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 Oakley and Deane 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 24 July 2013 BDBC designated the Oakley and Deane Neighbourhood Area for the purpose of preparing a Neighbourhood Plan. The plan area covers the parishes of Oakley and Deane and lies solely within the Basingstoke and Deane Local Planning Authority Area.
- 2.2 Oakley and Deane Parish Council, the qualifying body, submitted the draft ODNP and supporting documents to BDBC in July 2015.
- 2.3 Following submission of the ODNP, BDBC publicised the Plan and supporting documents and invited representations during the consultation period which ran from 17 August to 5 October 2015.

- 2.4 BDBC, with the consent of Oakley and Deane Parish Council, appointed an independent examiner, Mr Nigel McGurk, to review the Plan and consider whether it should proceed to referendum.
- 2.5 The Examiner's Report was received on 7 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 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 Oakley and Deane 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 ODNP, 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 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.

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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.

- it agrees with the Examiner's recommendation to proceed to a referendum based on the Oakley and Deane 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.

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 ODNP, 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 Oakley and Deane Neighbourhood Plan

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

<b>Modification Reference</b>	<b>Policy/Paragraph/Map in the Oakley and Deane Neighbourhood Plan</b>	<b>Page(s) in the Oakley and Deane Neighbourhood Plan</b>	<b>Description of Modification</b>	<b>Explanation for Modification</b>
ODNP1	Contents	2,3 and 4	Reduce to one page by showing section headings, rather than the detail of what is on every page.	To ensure the Neighbourhood Plan (NP) is more succinct and readable.
ODNP2	F1	5	Delete "...for the Basingstoke and Deane Borough Council's emerging Local Plan 2011-2029".	The NP is not required to deliver the aspirations of the emerging Local Plan. Modification will ensure clarity.
ODNP3	F2	5	Delete "...identified by B&DBC's emerging Local Plan 2011-2029".	The NP is not required to deliver the aspirations of the emerging Local Plan. Modification will ensure clarity.
ODNP4	1.1	6	Delete "...to establish strategic general planning policies for the development and use of land in the neighbourhood".	To ensure accuracy.
ODNP5	1.3	6	Amend "2014" to "2013".	To address a factual error.
ODNP6	1.4.1	6	Delete "is strategic in nature and".	To ensure accuracy.
ODNP7	1.4.1	6	Change to "have regard to national policies and advice...contribute to the achievement of sustainable development..."	To ensure consistency with the precise wording of the Basic Conditions.
ODNP8	1.4.2	6	Delete "therefore needs to" and change "take" to "takes".	To ensure accuracy.
ODNP9	1.4.2	6 and 7	Delete "See Map 1" and replace with "It is anticipated that Manydown, as a strategic allocation, will come forward through the emerging Local Plan. The Neighbourhood Plan does not, itself, allocate land at Manydown for development, but it has been	Taken as a whole, the NP is unclear about the strategic allocation at Manydown. Modification will provide clarity.

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			prepared in the expectation of development at Manydown coming forward during the plan period. Map 1 shows the expected extent of the Manydown strategic site and related masterplanning area. The residential allocations in the Neighbourhood Plan do not include new dwellings that may come forward at Manydown”.	
ODNP10	1.5	7	Delete last sentence.	Parish Council does not have a statutory role to monitor plan progress and take “appropriate action as required.” Modification will ensure accuracy.
ODNP11	2.1.10	9	Replace “an” with “and”	To correct typo.
ODNP12	Section 3	12	Delete Paragraph b.	Information in the paragraph will become out of date and is therefore not required. Furthermore, part of the paragraph reads as though it were a policy, which is not the case.
ODNP13	3.1.2	12	Line 13, re-word “The Parish Council will seek to prioritise the combined Project list, with the aim of funding Projects through the Community Infrastructure Levy and Section 106 Agreement funds. The list...”	The paragraph reads as though it were a policy, which is not the case.
ODNP14	4.7.2	18	Delete final sentence.	No substantive evidence is provided to justify land being retained for school expansion.
ODNP15	5.3	21	Delete paragraph retaining title only.	Adds little in the way of clarity. Paragraph is

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				confusing and also vague.
ODNP16	Policy 1 (New housing development volume)	21	Re-word policy "...2029. The allocated sites are shown in Policy 6 below and identified on the accompanying plans. The allocation of approximately 150 dwellings does not include new dwellings that may come forward as part of the Manydown strategic allocation. For clarity, the housing policies of the Neighbourhood Plan do not apply to the Manydown strategic allocation and dwellings that come forward as part of the Manydown strategic allocation will be additional to those allocated in this Neighbourhood Plan".	To provide further clarification in respect of the relationship between the neighbourhood plan allocations and Manydown.
ODNP17	5.3.1.1		Delete paragraph.	Provides little in the way of an explanation to Policy 1 and furthermore, it could be read as being in conflict with the Manydown Strategic Allocation.
ODNP18	5.3.1.2	21	Delete paragraph.	Paragraph is confusing. Modification will ensure the NP meets the basic conditions.
ODNP19	Policy 2 (Allocation of affordable housing)	22	Delete Policy 2.	Policy 2 is contradictory and confusingly worded. Modification will ensure the NP meets the basic conditions, in respect of having regard to national policies.
ONDP20	5.3.2.1	21	Delete paragraph.	Paragraph reads as though it were a Policy, which it is not. Furthermore, it sets out

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				the detailed content of a non-adopted policy in an emerging document and is therefore inappropriate. Modification will ensure the NP meets the basic conditions
ODNP21	5.3.2.2 to 5.4.2 inclusive	21 and 22	Delete paragraphs 5.3.2.2 to 5.4.2	Paragraphs provide justification for Policy 2 which has been recommended to be deleted. Paragraphs must therefore also be deleted.
ODNP22	Policy 3 (mix of dwellings)	23	Re-word policy to "Proposals for ten dwellings or more should demonstrate how they meet the requirement to increase the proportion of smaller homes in the Neighbourhood Area. Unless viability or other material considerations show a robust justification for a different mix, at least 90% of dwellings in new developments should have less than four bedrooms. Of this 90%, 40% to 50% should have two bedrooms or less."	To provide further clarification.
ODNP23	5.7	24	Add wording at the beginning of paragraph "With the exception of the Manydown strategic allocation, large scale development is not supported by..."	To provide further clarification on the relationship between allocations and Manydown.
ODNP24	Policy 4 (Site allocations)	27	Re-word the beginning of Policy 4 "Residential land is allocated on the following basis:"	To provide further clarification and ensure the NP is more succinct.

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ODNP25	Policy 4 (Site allocations)	27	Delete “contributing” in the fifth bullet point.	To ensure consistency in the policy wording.
ODNP26	Policy 4 (Site allocations)	27	Delete “...contiguous to and...” in P4.2	To ensure the NP meets the basic condition, ‘contribute to the achievement of sustainable development.’
ODNP27	Policy 4 (Site allocations)	27	Change P4.3 to “The Revised Settlement boundary is shown on a plan, together with plans of each of the allocations, following this Policy”.	To provide clarity and to provide context to the maps moved from the Appendix C into the NP (see modification reference ODNP61).
ODNP28	6.1.9	27	Delete paragraph.	Paragraph provides justification for Policy 5 which has been recommended to be deleted. Paragraph must therefore also be deleted.
ODNP29	Policy 5 (Constraints management)	27	Delete policy.	To ensure the NP meets the basic conditions.
ODNP30	Policy 6 (Site specific requirements)	29	P6.1, change to “Development proposals will be supported if:”	To ensure an approach that does not effectively pre-approve development proposals without considering all relevant matters of detail. However, in light of the further recommended modification to policy 6.1 (reference ODNP29) this recommended modification is not required and will not be

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				incorporated into the revised ODNP.
ODNP31	Policy 6 (Site specific requirements)	29	Under P6.1 Andover Road, add “No site specific requirements” and delete a) and b).	Second part of P6.1 is not a land use planning but rather a statement relating to an intention. Deletion of a) and b) will add clarity and ensure the NP meets the basic conditions.
ODNP32	Policy 6 (Site specific requirements)	29	P6.2, change to “Development proposals will be supported if:”	To ensure an approach that does not effectively pre-approve development proposals without considering all relevant matters of detail.
ODNP33	Policy 6 (Site specific requirements)	29	P6.2 a) change “through” to “to”	To add clarity.
ODNP34	Policy 6 (Site specific requirements)	29	Delete P6.2 b)	To ensure the NP is more succinct.
ODNP35	Policy 6 (Site specific requirements)	29	Delete P6.2 c) and d) and replace with “b) the development provides direct access to and where possible, upgrades the adjacent footpath to the schools; and provides allotments as part of the development”.	To add clarity.
ODNP36	Policy 6 (Site specific requirements)	29	P6.3, delete and replace with “Support will be given to improvements to the local footpath network delivered in association with the development of this site.”	To add clarity.
ODNP37	Policy 6 (Site specific requirements)	29	P6.4, change to “Development proposals will be supported if:”	To ensure an approach that does not effectively pre-approve development proposals without considering all relevant matters of detail.

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ODNP38	Policy 6 (Site specific requirements)	29	P6.4, delete parts a) and c). Re-word Policy as “Development proposals will be supported if at least 40%...bungalows.”	Part c) is effectively comprises a statement rather than a requirement. Modification will ensure clarity.
ODNP39	Policy 6 (Site specific requirements)	30	Under P6.5 Oakley Hall, add “No site specific requirements” and delete all other text.	To add clarity.
ODNP40	6.4	30	Delete the first sentence of Paragraph 6.4.	Sentence reads as though it were a Policy, which it is not. Modification will ensure the NP is clear.
ODNP41	7.2	31	Replace last sentence of Paragraph 7.2 with “It is noted that the Borough Council applies open space standards to development proposals, as appropriate.”	Sentence reads as though it were a Policy, which it is not. Modification will ensure the NP is clear.
ODNP42	Policy 9 (Conservation Areas)	33	Delete Policy 9. The supporting Paragraphs to be retained as useful background information.	To ensure the NP meets the basic conditions, and has ‘regard to national policies’.
ODNP43	Policy 10 (Protection and enhancement of the environment)	35	Replace Policy 10 with a completely revised Policy 10 “Local Green Space is designated at the sites shown on the plans below, for the reasons set out in the supporting text. Development of Local Green Space will only be permitted in very special circumstances”.	To ensure the policy meets the basic conditions, in particular has ‘regard to national policies’. Modification will ensure the NP is clear.
ODNP44	Policy 10 (Protection and enhancement of the environment) – addition of new plans	35	Create new plans, identifying the precise boundaries of each Local Green Space and show these places after Policy 10. For clarity, the Local Green Space designation is afforded to A1, A2, B1, B2, B3, B4, C1, C2, C3 and C4. B5 is not designated as a Local Green Space.	To provide maps showing the precise boundaries of each Local Green Space. Will also provide context for the policy.
ODNP45	8.4.4	35	Delete Paragraph 8.4.4	To ensure that the NP meets the basic

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				conditions, particularly to 'contribute to the achievement of sustainable development'. Paragraph provides justification for Policy 11 which has been recommended to be deleted. Paragraph must therefore also be deleted.
ODNP46	Policy 11 (Protection of the Green Gap)	35	Delete Policy 11.	To ensure that the NP meets the basic conditions, particularly to 'contribute to the achievement of sustainable development'.
ODNP47	8.4.5	36	Delete the second half of Paragraph 8.4.5, from "The present vista...Appendix A)."	To ensure a succinct NP. Deletion of text is required due to recommended modification to include a plan which defines the specific area which the policy applies.
ODNP48	Policy 12 (Protection of views and vistas)	36	Re-word the policy to "The character of the area seen in views of St Leonard's Church from the public footpaths in the area shown on the plan below will be protected from development proposals that would harm it".	To ensure that the NP meets the basic conditions. To also ensure clarity.
ODNP49	Policy 12 (Protection of views and vistas) – addition of a new plan	36	Include a new plan beneath the Policy. This should identify the specific area protected. It is proposed that this should be in the form of a shaded area over an OS base.	To define the specific area which the policy applies. To ensure clarity.
ODNP50	8.4.6	36	Delete the final sentence of Paragraph 8.4.6.	The paragraph reads as though it were a policy,

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				which is not the case.
ODNP51	Policy 13 (Woodlands and Trees and Rights of Way in New Developments)	36	Delete the last sentence of Policy 13.	To ensure that the Policy is deliverable.
ODNP52	Policy 14 (Biodiversity)	39	Delete the final four words of Policy 14.	Wording is unnecessary.
ODNP53	Map 4	40	Delete the map.	To avoid confusion as the features referred to on the map are not the subject of Policies in the NP.
ODNP54	9.1.1 and 9.1.2	41	Change the reference from “Appendix C” to “Appendix B”.	To correct typo.
ODNP55	Policy 15 (Protection of employment)	41	The following revisions to the policy are required: <ul style="list-style-type: none"> <li>• Delete P15.1</li> <li>• Change remainder of the policy to “This plan supports the provision of new or improved employment space, subject to it not harming local character or residential amenity”.</li> </ul>	To provide further clarification and ensure the NP meets the basic conditions, in particular has ‘regard to national policies’.
ODNP56	Policy 16 (Protection of local facilities)	41	Change policy 16 to read “Proposals for new or additional local retail facilities will be supported subject to such development not harming existing facilities, local character or residential amenity”.	To ensure clarity.
ODNP57	Policy 17 (Village and energy efficient design)	42	Delete from “Each new development...” to the end of the policy.	To ensure the NP has regard to the Ministerial Statement of March 2015, which established that “neighbourhood plans” should not set “any additional local technical standards or requirements relating to the

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				construction, internal layout or performance of new dwellings.”
ODNP58	Policy 18 (Traffic and safety)	46	Delete policy.	To ensure that the NP meets the basic conditions, in particular has ‘regard to national policies’.
ODNP59	Appendix A	47 and 48	Move the first three tables (excluding B5) into the supporting text to Policy 10.	To provide further context to Policy 10.
ODNP60	Appendix A	49	Delete Green Gap Appendices on page 49,	As a result of the deletion of Policy 11. To ensure that the NP meets the basic conditions, particularly to ‘contribute to the achievement of sustainable development’.
ODNP61	Appendix C	53 - 56	Move Revised Settlement Boundary and Site Plans to Page 30 to follow Policy 6.	To provide clarity and also context to the policy.
ODNP62	Appendix C	53 - 56	Correct the Revised Settlement Boundary Plan to show the actual revised settlement boundary.	To provide further clarification.

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.