

**West Berkshire District Council
Stratfield Mortimer Neighbourhood Development Plan**

Decision Statement

Published pursuant to the Section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

1. Summary

- 1.1. In accordance with the above regulations, and following a positive referendum result (1375 out of 1547 (88.8%) of those who voted were in favour of the plan), West Berkshire District Council (WBDC) made the Stratfield Mortimer Neighbourhood Development Plan (NDP) (with modifications) on 22 June 2017.
- 1.2. The NDP now forms part of the statutory Development Plan for WBDC. Planning applications within Stratfield Mortimer parish must be considered against the Stratfield Mortimer NDP as well as the other documents of the WBDC development plan and the National Planning Policy Framework.

2. Background

- 2.1. On 16 December 2013, WBDC designated the Stratfield Mortimer Neighbourhood Area for the purpose of preparing a NDP. The plan covers the parish of Stratfield Mortimer and lies solely within West Berkshire District Council Local Planning Authority Area. Stratfield Mortimer Parish Council, the qualifying body, submitted the draft Stratfield Mortimer NDP to WBDC on 23 February 2017.
- 2.2. Following submission of the Stratfield Mortimer NDP, WBDC publicised the plan and supporting documents and invited representations during the consultation period which ran from 4 March 2016 to 22 April 2016. WBDC, with the consent of Stratfield Mortimer Parish Council, appointed an independent examiner, Mr Richard Humphreys QC, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
- 2.3. The examiner's report was received on 25 October 2016 and recommended that the proposal to make the plan be refused because not all of the basic conditions were met. This decision was based purely on there being no landscape evidence.
- 2.4. Because of the lack of environment evidence, he considered that the environment had not been fully considered when selecting a site to allocate and two of the basic conditions had therefore not been met – having regard to national policies and advice contained in guidance issued by the Secretary of State, and the making of the plan contributes to the achievement of sustainable development. National planning policy gives importance to social, economic, and environmental considerations, which together constitute sustainable development.
- 2.5. The examiner did however state in his report that had it not been for the landscape issue, he would have recommended that the plan, with modifications progress to referendum.
- 2.6. It should be noted that the examiner set out all of the modifications that he would have made in his report.

- 2.7. The relevant legislation which governs the process for making NDPs (Schedule 4b of the Town and Country Planning Act 1990) enables local planning authorities (LPAs) to propose to make a recommendation which differs from that recommended by the examiner as a result of new evidence. However, if LPAs do propose a different decision, they must set out the reasons for this and invite representations from 'prescribed persons'.
- 2.8. Stratfield Mortimer Parish Council made a request to WBDC that they delay in making a decision on the Examiner's report so that it and the NDP steering group could consider the report in further detail. Such a request is allowed in legislation (under Regulation 17A (4) and (5)(1) of the Neighbourhood Planning (General) Regulations 2012 (as amended)). Subsequently, the Stratfield Mortimer Neighbourhood Plan Steering Group informed WBDC via the Parish Council that they wished to commission detailed landscape work to overcome the Examiner's concerns.
- 2.9. In January 2017, WBDC on behalf of Stratfield Mortimer Parish Council commissioned independent landscape assessment work 'Landscape Capacity Assessment of Potential Housing Sites at Stratfield Mortimer'.
- 2.10. Five sites were considered within the assessment. Four of these were considered by the examiner in his October 2016 report:
- Land at Kiln Lane (also known as Monkey Puzzle Field) (site ref: MOR001).
 - Land adjoining West End Road (site ref MOR005).
 - Land to the south of St. John's Church of England School, off The Street (the housing site allocated in the NDP) (site ref MOR006).
 - Land at north east corner of Spring Lane (site ref MOR008)
- 2.11. A fifth site (land north of Windmill Road and west of Brewery Common, site ref MOR009) was considered following a request through the preparation of the NDP to amend the settlement boundary in this area.
- 2.12. The report concluded that only sites MOR005, part of MOR006, and MOR009 are considered further as potential housing sites.
- 2.13. At the Council meeting of Stratfield Mortimer Parish Council on 9 February 2017, the following two motions were moved and agreed:
- (a) The Parish Council recommends that the WBDC rejects the Examiners recommendation as set out in his report dated 25 October 2016 and formally agrees that the Stratfield Mortimer Neighbourhood Development Plan proceeds to referendum following the analysis of the further evidence submitted by the Stratfield Mortimer Neighbourhood Planning Group.
 - (b) The Parish Council requests that WBDC make a decision regarding the Examiner's Report into the Stratfield Mortimer Neighbourhood Development Plan by 10 May 2017 (in accordance with Reg 17A (4) and (5)(a) and 24A (4) and (5)(a) of the Neighbourhood Planning Regulations (General) 2012 (as amended)) to allow time for full consideration of the recommendations and issues raised in the report.
- 2.14. On advising WBDC of this, they also submitted a document that set out their response to the landscape assessment entitled 'NDP – possible ways forward following the landscape study'. This document considered three options:

- (a) Recommend to WBDC that the original NDP go forward to referendum (with the phrase 'up to' 110 dwellings in place of '110' dwellings as well as the examiner's other modifications).
 - (b) Abandon the NDP.
 - (c) Revise the NDP (including new consultation and examination) to give the full 110 homes on one or more site(s).
- 2.15. It should be noted that this document was also presented at the Council meeting of Stratfield Mortimer Parish Council.
- 2.16. In order for WBDC officers to make their proposed recommendation, the following information was considered:
 - Stratfield Mortimer NDP examiner's report dated 25 October 2016
 - Landscape Capacity Assessment of Potential Housing Sites at Stratfield Mortimer (Kirkham Landscape Planning, January 2017).
 - NDP – possible ways forward following the landscape study (Stratfield Mortimer NDP Steering Group, February 2017).
- 2.17. The Steering Group of the NDP studied the new evidence in the landscape study and assessed it together with all the other sustainability evidence collected during the whole NDP process. They found that when all of the sustainability criteria are taken together, as recommended as good practice, the provision of up to 110 homes on MOR006 is still considered the most sustainable option.
- 2.18. On consideration of the information as set out above, WBDC officers proposed to recommend that the Stratfield Mortimer NDP progress to referendum because it was felt that the NDP now met all of the basic conditions, and in particular those set out below.

Basic Condition (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State
- 2.19. The Landscape Capacity Assessment provides the environmental evidence which the examiner considered was missing. The full consideration of the environment means that the three dimensions of sustainable development as set out within national planning policy (the National Planning Policy Framework, NPPF) – economic, environmental and social – have been considered in the allocation of a housing site.
- 2.20. The undertaking of the Landscape Capacity Assessment means that policy CS19 of the West Berkshire Core Strategy Development Plan Document (2012) is accorded with. This policy seeks to conserve and enhance the natural and historic environment, including landscape, consistently with paragraph 156 of the NPPF. The policy requires that proposals for development should be informed by and respond to, amongst others, the distinctive landscape character areas and key characteristics identified in relevant landscape character assessments.
- 2.21. Furthermore, the vision of the NDP sets out that the best landscape features of the parish will be retained.
- 2.22. Whilst the Landscape Capacity Assessment recommends that only part of the allocated site is suitable for development, it should be noted that the examiner in his

report at paragraph 172 sets out that he would have recommended adding 'up to' before '110 homes' in NDP policy RS5 (this policy has regard to the allocated site) had he not had a concern with the site selection.

- 2.23. WBDC's adopted Core Strategy Development Plan Document (DPD) does not state that the NDP must deliver 110 dwellings. Instead it requires the delivery of at least 10,500 net additional dwellings over the period 2006-2026. Development is to follow the existing settlement pattern and comply with the spatial strategy policies for four spatial areas. Most development is to be within or adjacent to settlements in the settlement hierarchy.
- 2.24. Within the settlement hierarchy, Mortimer is identified as a Rural Service Centre, the second tier in the hierarchy. It is therefore considered to have a range of services and reasonable public transport provision so there are opportunities to strengthen role in meeting requirements of surrounding communities. Mortimer lies within the East Kennet Valley spatial area and the provision of approximately 800 dwellings are proposed within this spatial area.
- 2.25. In relation to basic condition (a), it is considered that the NDP as now proposed to be modified gives appropriate regard to national policy and guidance.

Basic Condition (d) The making of the plan contributes to the achievement of sustainable development.

- 2.26. The NPPF makes it clear at paragraph 8 that the three roles of sustainable development (economic, social and environmental) should not be taken in isolation because they are mutually dependent, and it is considered that there are other reasons.
- 2.27. National Planning Policy (paragraph 184 of the NPPF) identifies that neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The importance of neighbourhood planning is also reinforced in the Government's recent Housing White Paper 'Fixing out broken housing market' (7 February 2017) which states at 1.41 that "New development affects us all...that's why we want communities to have a more direct say over development in their area...".
- 2.28. It was the preference of the community that only one site was allocated within the village, and that the preferred site was the site south of St. John's Church of England School, off The Street.
- 2.29. The local community raised concerns about the capacity of the village schools and doctor's surgery being unable to cope with an increase to the population. Discussions that Stratfield Mortimer Parish Council had with the village school, WBDC, the doctor's surgery and the local health authority led to the conclusion that allocating land for a new enlarged infant school and new larger doctor's surgery would help to overcome the strong community concern. Only two sites would have been able to accommodate housing, a doctor's surgery and infant school. The allocated site was one of two sites large enough to accommodate this, and the landowner was willing to set aside land for a possible new school and doctor's surgery. The allocated site was the preference of the local community. The examiner's report states that the landowner and proposed developer of site proposed for allocation confirmed that in principle a development of about 60 units would be viable even with the provision of affordable housing and land set aside for the school and surgery.

- 2.30. The examiner in his report at paragraph 195 identifies that had he not had fundamental concerns about the selection of the allocated site then he would have recommended that the first bullet point of NDP policy SDB1 (which has regard to the design brief for the allocated site) be changed to reflect the outcome of a landscape and visual assessment and archaeological assessment so that it reads 'The site must provide up to 110 dwellings, subject to the outcome of technical studies.'
- 2.31. The allocation in the NDP will make a contribution to sustainable development as the site is appropriate for an amount of housing development which will be tempered (by way of the modification made by the examiner) to meet environmental needs such as impact on landscape. The examiner's modification to policy SDB1 would ensure that development would not have an unacceptable harm on the character and appearance of the landscape. Overall, it is considered that the NDP as proposed to be modified will meet basic condition (d) and will contribute to bringing forward development that is sustainable in terms of the NPPF.
- 2.32. Because the WBDC officer proposed recommendation was different to that of the examiner, a six week consultation seeking views on this was required in line with 17A of the Neighbourhood Planning (General) Regulations 2012. The consultation period ran between Friday 3 March 2017 and Tuesday 18 April 2017. The following documents were made available for consultees to refer to:
- WBDC officer note setting out the proposed recommendation and the reasons behind it.
 - Examiner's report on the Stratfield Mortimer NDP dated 25 October 2016.
 - Examiner's proposed modifications that he would have made to the Stratfield Mortimer NDP.
 - Landscape Capacity Assessment of Potential Housing Sites at Stratfield Mortimer (Kirkham Landscape Planning, January 2017)
 - Stratfield Mortimer NDP Steering Group 'possible ways forward following the landscape study (February 2017).
 - Track changes version of the Stratfield Mortimer NDP which incorporates the modifications that the examiner would have made.
- 2.33. 23 responses were received to the consultation. None of the representations raise issues that would result in the Council recommending an alternative recommendation.
- 2.34. The final officer recommendation was that the Stratfield Mortimer NDP (with modifications) should proceed to referendum. At a meeting of Council on 9 May 2017, this recommendation was endorsed.

3. Decision and Reasons for the Decision

- 3.1. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the NDP if more than half of those voting in a referendum have voted in favour of the Plan being used to help to decide planning applications in the area.
- 3.2. A local referendum was held in Stratfield Mortimer on 22 June 2017 to decide whether the local community was in favour of the Stratfield Mortimer NDP. From the votes recorded, 1375 out of 1547 (88.8%) of those who voted were in favour of the plan. The turnout of electors was 50.1%.

- 3.3. The Council has also assessed and concluded that the plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 3.4. At the Council meeting of 8 December 2016, Members resolved to adopt any NDP following a successful 'yes' vote at referendum, and that the adoption be noted at the next meeting of Council. This ensured that a successful NDP could be adopted as part of the development plan for WBDC without the need to call a special Council meeting.
- 3.5. In accordance with the Act and Regulations, the Stratfield Mortimer NDP is 'made' and now forms part of the statutory Development Plan for West Berkshire. Planning applications in the parish of Stratfield Mortimer must be considered against the Stratfield Mortimer NDP in addition to the other documents of the development plan – Core Strategy Development Plan Document (DPD) 2006-2016, Housing Site Allocations DPD, West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Replacement Minerals Local Plan for Berkshire incorporating alterations adopted in December 1997 and May 2001, and the Waste Local Plan for Berkshire.

4. Other information

- 4.1. This decision statement and the Stratfield Mortimer NDP can be viewed on the WBDC website at: <http://www.westberks.gov.uk/smndp>. Hard copies are available to view at West Berkshire District Council, Market Street, Newbury, Berkshire, RG14 5LD between 8.30am and 5pm Monday – Thursday, and between 8.30am and 4.30pm on Fridays.
- 4.2. Section 61N of Schedule 9 of the Town and Country Planning Act 1990 (as amended) states that any person who is aggrieved by the making of the Stratfield Mortimer NDP under Section 61E(4) or (8) may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 (as amended) on the grounds that:
 - the document is not within the appropriate power;
 - a procedural requirement has not been complied with.
- 4.3. Any such application must be made promptly and in any event no later than 6 weeks after the date of this Decision Statement, ie. no later than 16:00pm Friday 4 August 2017.
- 4.4. Further information on neighbourhood planning is available on the WBDC website: <http://www.westberks.gov.uk/neighbourhoodplanning>, or by contacting the Planning Policy Team on 01635 519 111 or planningpolicy@westberks.gov.uk.

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