

Post Examination Decision Statement for the Bentley Modified Neighbourhood Development Plan 2021-2028

1. Introduction

- 1.1. Under the Town and Country Planning Act 1990 (as amended), East Hampshire District Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination. The Localism Act 2011 (Part 6 chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.2. This statement confirms that the modifications proposed by the examiner's report have been accepted, and that the submission Bentley Modified Neighbourhood Plan has been altered as a result. The Neighbourhood Plan, as modified, may now proceed to be 'made'.

2. Background

- 2.1. The Bentley Neighbourhood Plan area is coterminous with the Bentley Parish Council boundary. The neighbourhood area was designated by East Hampshire District Council Local Planning Authority on 23 October 2014.
- 2.2. The Bentley Modified Neighbourhood Plan was submitted to East Hampshire Planning Authority, in August 2024 the plan was publicised and representations were invited. The publicity period ended on 23 December 2024.
- 2.3. John Slater was appointed by East Hampshire District Council (EHDC) with the consent of Bentley Parish Council, to undertake the examination of the Bentley Modified Neighbourhood Plan and to prepare a report of the independent examination.
- 2.4. The examiner's report concludes that subject to making the modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to being 'made'.
- 2.5. Having considered each of the recommendations made by the examiner's report and the reasons for them, EHDC has decided in consultation with Bentley Parish Council, to agree the modifications to the draft plan referred to in Table 1 below, to ensure that the draft plan meets the basic conditions set out in legislation.

3. Decision

- 3.1. The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the Planning and Compulsory Purchase 2004 Act), in relation to a neighbourhood development plan.

3.2. Having considered each of the recommendations made by the examiner's report, and the reasons for them, EHDC in consultation with Bentley Parish Council, has decided to accept all of the Examiner's modifications to the draft plan.

3.3. Table 1 below outlines the alterations made to the submission plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations.

Table 1

Examiners Report reference	Proposed Modification	Proposed Decision
The Modified Neighbourhood Plan – An Overview Following Para 63	That the end date of the modified plan should remain as 2028. The dates 2021- 2028 be inserted on the title page.	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy BEN1: Spatial Plan Following Para 68	Replace B with "Development outside the BSB will only be supported if it can demonstrate a genuine and proven need for a countryside location. Any development for "affordable housing for rural communities" in accordance with Policy CP14 of the Joint Core Strategy and / or meets the requirements of the East Hampshire SPD: Housing Outside Settlement Boundaries will only be supported if it is demonstrated that it will fill a genuine and proven local housing need".	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy BEN2: Development Principles Following Para 70	In (iv) delete all text up to "substantial development".	Agree with the modifications for the reasons set out in the Examiner's Report.
Policy BEN3: Design	Replace (iv) with "The features of the new dwellings should reflect the characteristics of neighbouring properties".	Agree with the modifications for the reasons set out in the Examiner's Report.

Examiners Report reference	Proposed Modification	Proposed Decision
Following Para 76	<p>In (vi) after “are used” insert “on the external faces of the building”.</p> <p>In (vii)a) delete “and the local area”.</p> <p>In (vii)b) after “appearance and” and insert “taking into account”.</p> <p>Replace (ix) with “New non-residential buildings to respect their built or rural context in terms of their design and relationship to adjoining or nearby buildings and /or landscape features”.</p>	
Policy BEN4: Local Heritage Assets Following Para 77	In A. replace “locally important” with “non-designated”.	Agree with the modifications for the reasons set out in the Examiner’s Report.
Policy BEN5: Recreation Ground Following Para 78	In (v) delete “Bentley Neighbourhood Plan”.	Agree with the modifications for the reasons set out in the Examiner’s Report.
Policy BEN6: Education	That paragraph B be deleted.	Agree with the modifications for the reasons set out in the Examiner’s Report.
Policy BEN7: Community Facilities	In A. insert a side heading before the first 3 bullet point “Community Buildings” and before the fourth bullet insert a side heading “Community Orientated Businesses”.	Agree with the modifications for the reasons set out in the Examiner’s Report.

Examiners Report reference	Proposed Modification	Proposed Decision
Following Para 82	Delete B(ii). In B(iii) replace “use” with “building”.	
Policy BEN8: Local Employment Following Para 83	Delete “existing shops or” and amend Policies Map accordingly.	Agree with the modifications for the reasons set out in the Examiner’s Report.
Policy BEN9: Traffic Implications Following Para 86	In A. insert “severe” before “harm”.	Agree with the modifications for the reasons set out in the Examiner’s Report.
Policy BEN10: Green Infrastructure Following Para 89	In B. delete” including a minimum 10% Biodiversity Net Gain”. In the last sentence of B. after “carbon through” insert “where appropriate”. In C replace “development “with “new build and alterations” and after “including” insert “for example”.	Agree with the modifications for the reasons set out in the Examiner’s Report.
Policy BEN12: Sustainable Drainage and Waste Water Following Para 91	At the end of C insert “such as through the installation of water butts”.	Agree with the modifications for the reasons set out in the Examiner’s Report.

Examiners Report reference	Proposed Modification	Proposed Decision
<p>Policy BEN13: Dark Skies</p> <p>Following Para 96</p>	<p>In B. delete “and must ensure that the measured and observed sky quality in the surrounding area is not negatively affected”</p> <p>Delete C.</p>	<p>Agree with the modifications for the reasons set out in the Examiner’s Report.</p>