

BRIGHTWELL CUM SOTWELL NEIGHBOURHOOD PLAN

Modification Proposal Statement

Prepared in accordance with Regulation 15(1)(f) of the Neighbourhood Planning (General) Regulations 2012 (as amended) in respect of the Modification Proposal to the made Brightwell-cum-Sotwell Neighbourhood Plan.

NOVEMBER 2022

Brightwell cum Sotwell
Neighbourhood Plan

Submission Version

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I. Introduction

1.1 As a 'Qualifying Body', the Brightwell-cum-Sotwell Parish Council ("the Parish Council") proposes to modify the made Brightwell-cum-Sotwell Neighbourhood Plan ("the Made Plan") of 12 October 2017. This Statement has been prepared to support the proposed modified Neighbourhood Plan ("the Modified Plan") following the 'Pre-submission' consultation which ended in May 2022. It is being submitted alongside the Modified Plan, a Basic Conditions Statement and a Consultation Statement for examination, in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

1.2 Both the Parish Council and the Local Planning Authority, South Oxfordshire District Council ("the District Council") consider that the proposals represent material modifications to the Made Plan, but they are not considered so significant or substantial as to change the nature of the Made Plan. It is therefore more in the nature of a material update, which can be made without a referendum in accordance with the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017/1243. Regulation 15 of the amended 2012 Regulations requires:

"in relation to a modification proposal, a statement setting out whether or not the qualifying body considers that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion".

1.3 This Statement serves this purpose and notes the following additional requirements in the Planning Practice Guidance (PPG):

- the qualifying body must (at the pre-submission publicity and consultation stage and when the modified plan is submitted to the local planning authority) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons
- the local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. The local planning authority must also submit a copy of the original plan to the independent examiner
- the qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan

1.4 In accordance with the requirements of the PPG as stated above, this document is therefore setting out the background reason to this modification, sets out what the modification is and will set out the reasons as to why the parish council believe that this modification of the plan is not so significant or substantial as to change the nature of the plan.

2. Background

2.1 On 12 October 2017 the District Council resolved to ‘make’ the Neighbourhood Plan, following a referendum which took place on 14 September 2017. The Made Plan covers the period 2016 – 2032 and covers the Parish Council’s administrative area.

2.2 The Made Plan contains 17 land use planning policies (BCS1 – BCS17). They cover a wide range of site or area specific proposals, including four site allocations for housing development, as well as development management policies covering the whole of the Plan area.

2.3 The Parish Council has been active in monitoring the implementation of the policies by the District Council in its determination of planning applications since 2017. For the most part it considers that the policies have been correctly and successfully applied in approving and refusing applications that conform or conflict with the policies respectively.

2.4 However, it considers that some policies warrant modification to aid their more effective implementation and there are some additional policies that it wishes to include. In doing so, the Parish Council will use the opportunity to bring up to date some policy wording to reflect the most recent iteration of the National Planning Policy Framework (NPPF) of July 2021 and the adoption of the South Oxfordshire Local Plan (SOLP) in December 2020. Some allocation policies may also now be deleted as schemes have now been approved and built.

3. The Proposed Modifications

3.1 The purpose of the Statement is to explain the reasons why the Parish Council considers the proposed modifications to the Made Plan do not ‘change the nature’ of the Plan. It should be read alongside the separate Modified Plan document.

3.2 In judging the ‘change the nature of the plan’ test, the following factors are considered to be the most important:

- the modifications include no new site or area specific policies that contradict policies in the Made Plan
- the proposed new policies either refine policies in the Made Plan to aid their implementation or address issues that have emerged in national planning policy and are consistent with that policy
- the modified policies refine wording in the light of experience to aid their understanding and implementation but do not significantly alter the policy intent

3.3 The following table provides a summary of the modifications – comprising the modified and new policies but not those that have been deleted or remain unaltered in any material way – and explains why the Parish Council considers they do not change the nature of the plan.

Policy No.	Policy Title	Summary of Modifications	The Change the Nature of the Plan Test	Y/N
BCS1	Brightwell-cum-Sotwell Village Boundary	These modifications remove some confusion in how this policy and Policy BCS10 on Local Gaps and BCS11 on Key Views and landscape character operate together.	The boundary itself is unchanged. The changes to the wording do not contradict the spatial principles of the Made Plan.	N
BCS5	House Types & Tenures	This new policy responds to the First Homes policy initiative introduced by Government in 2021 by establishing criteria for Exception Schemes as prompted by the Written Ministerial Statement. It also responds to the new SOLP in respect of older persons accommodation schemes.	The small scale of the development provided for by the WMS and the criteria used by this policy to shape its location will ensure that there is no significant change to the spatial principles of the Made Plan.	N
BCS6	Design Code	This new policy replaces Policies BCS9 and BCS10 of the Made Plan. This enables the Modified Plan to better reflect the new approach to design management that the Government wishes the planning system to adopt. The new Design Code is cross referenced in the policy as the amalgamation of the design guidance content of both the Conservation Area Appraisal and Village Design Statement. It is structured to fit neatly with the adopted Joint District-wide Design Guide to aid applicants to acknowledge, understand and respond to that Guide articulated for this Parish within the Code. This will also help SODC to consider and determine the design elements of proposals more easily.	The greater detail provided by the new code refines and does not in any way contradict the design principles of the Made Plan.	N
BCS7	Assets of Local	It is now common for neighbourhood plans to draw out of their	Although the policy is new and property-	N

	Heritage Value	evidence base those buildings and structures that have some local heritage value, rather than leave that information in the evidence documents. This new policy helps draw them to the attention of applicants so they may give early consideration to how they may conserve and enhance that interest in their proposals.	specific it is consistent with the heritage principles of the Made Plan.	
BCS8	Local Green Spaces	The modifications do not designate any new Local Green Spaces which have been delivered as part of the allocation at Policy BCS3.	The change does not materially alter the spatial or design principles of the Made Plan.	N
BCS9	Local Gaps	These modifications remove some confusion in how this policy and Policy BCS1 on the Village Boundary operate together. They also improve the precision of the policy wording.	The change does not materially alter the spatial or design principles of the Made Plan.	N
BCS10	Landscape Character and the Villages	These modifications add a small number of specific key views that are integral to the enjoyment of the landscape and the village setting within it. They are shown on the modified Policies Map and are derived from a new evidence report prepared and published as part of the review of the Made Plan.	The change does not materially alter the spatial or design principles of the Made Plan.	N
BCS11	Dark Skies	This new policy is well suited to a rural location and settlement in the vicinity of a much larger urban neighbour. It contributes to maintaining a clear distinction between the urban and rural.	The change does not materially alter the spatial or design principles of the Made Plan.	N
BCS12	The Green Heart	These modifications seek to ensure that the now identified Key Views are protected.	The change does not materially alter the spatial or design principles of the Made Plan.	N

BCS13	Local Nature Recovery	These modifications reflect the advent of the principles of local nature recovery alongside biodiversity net gain in the Environment Act 2021.	The change does not materially alter the spatial or design principles of the Made Plan.	N
BCS14	Natural Flood Management	This new policy captures the importance of natural flood management measures in reducing flood risk as well as wider ecosystem benefits they may deliver.	The change does not materially alter the spatial or design principles of the Made Plan.	N
BCS16	Renewable Energy	These modifications extend the scope of support of the policy to other forms of renewable energy generation that may be suitable to this location, as well as a solar array, and seeks to ensure that the now identified Key Views are protected.	The change does not materially alter the spatial principles of the Made Plan.	N
BCS17	Community Facilities	This replacement policy improves the clarity of the policy by bringing the buildings and land to which it applies into the policy itself and showing them on the Policies Map. It also reflects the adoption of Policy CFI in the Local Plan and changes to the Use Class Order (notably new Class E). Rather than attempt to modify the existing wording, it is replaced with entirely new wording.	The change does not materially alter the design principles of the Made Plan.	N

Table A: Summary of the 'Change the Nature of the Plan' Test

3.4 The analysis set out in the table indicates that no modified or new policy has the potential to change the nature of the Made Plan in terms of key spatial or design principles. In not being obliged to address additional local housing needs, or any other demand for new development, the policies do not prejudice spatial growth options in the plan period. As a result, **the Parish Council considers that the proposed modifications do not change the nature of the plan.**

4. Strategic Environmental Assessment

4.1 The Parish Council has received a screening opinion from SODC which establishes that the modifications are unlikely to have significant environmental effects. A Strategic Environmental Assessment (SEA) has therefore not been required. As a Sustainability Appraisal incorporating a Strategic Environmental Assessment (SA/SEA) accompanied the Made Plan, as per the Environmental Assessment of Plans & Programmes Regulations 2004 (as amended), the Parish Council has prepared an SA/SEA addendum alongside the Modified Plan to demonstrate that the modifications contribute to the achievement of sustainable development.

4.2 Given the modest nature of the proposed Modified Plan it has not been necessary to revise the ten sustainability objectives against which the policies of the Made Plan were assessed. Nor have there been any changes to its evidence base or policy context that are so significant that they require any additional objectives.

4.3 A draft version was consulted on alongside the Modification Proposals and changes have been made to reflect the final version of the Modified Plan. It has re-assessed all the new and modified policies, and their reasonable alternatives, and has concluded that there is no potential for significant environmental effects. This conclusion reaffirms the Parish Council's view that the Modified Plan does not change the nature of the Made Plan.

5. Conclusion

5.1 In summary the Modified Plan proposes the modification or deletion of eleven policies in the Made Plan and the addition of three new policies. The proposed modifications will ensure the Modified Plan retains the primacy of an up to date, plan-led development management framework for decision making in the Parish. However, although material and beneficial, those modifications follow not just the spirit of the Made Plan but also maintain and not change the nature of its spatial or design principles.