

Policy and Programmes

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Benson Neighbourhood Development Plan Review – Modification Statement

Under Regulation 17(e)(ii) of the Neighbourhood Planning (General) Regulations 2012 (as amended), the local authority must submit to the examiner a statement setting out whether or not the authority consider 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 authority is of this opinion.

The Benson Neighbourhood Development Plan (NDP) was made as part of the district council's development plan on 23 August 2018. Since the adoption of the Benson NDP, the South Oxfordshire Local Plan 2035 was adopted in December 2020. Also, since the Benson NDP was made the National Planning Policy Framework (NPPF) has been updated, with the latest revision dated 20 July 2021.

The South Oxfordshire Local Plan 2035 sets out the housing requirements for the Larger Villages such as Benson. The Local Plan proposes the provision of 15% growth in the Larger Villages. Policy H4: Housing in the Larger Villages sets out this provision.

'1. A housing requirement of 257 homes will be collectively delivered through Neighbourhood Development Plans and Local Plan site allocations at the Larger Villages as follows:

- 46 homes at Nettlebed
- 96 homes at Sonning Common
- 115 homes at Woodcote

2. If a Neighbourhood Development Plan has not adequately progressed with allocating sites to meet these requirements within 12 months of adoption of this Local Plan, planning applications for*

*housing in that Larger Village will be supported provided proposals comply with the remainder of the policies in this Development Plan. *the Plan has reached submission stage and has allocated sufficient housing sites.'*

However, as set out in paragraph 4.26 of the Local Plan, in Benson the 15% growth level has already been achieved. This is further clarified in table 4f of the Local Plan which sets out that the outstanding requirement for the Benson Neighbourhood Plan is 0.

The Benson NDP Review is seeking to respond to local and national planning policy changes. It is not proposing to allocate any new sites, with the allocations carried forward from the made plan. The following policy changes have been made:

- Policy NP1: Housing – Policy carried forward with new settlement boundary
- Policy NP2: Land to north of Littleworth Road – Policy carried forward with amended wording and reference to new concept plan
- Policy NP3: Land off Hale Road – Policy carried forward with amended wording and reference to new concept plan
- Policy NP4: Land to north and east of The Sands – Policy carried forward with amended wording and reference to new concept plan
- Allocated sites map – Amended map to remove two small areas of land no longer required
- Policy NP5: Riverside – New policy introduces a new landscape buffer policy
- Policy NP7: Design – Policy remains largely unchanged, but some modifications have been made to the Design Statement referred to in the policy
- Policy NP8: Traffic Flows – Policy carried forward with minor amendments to policy wording
- Policy NP9: Pedestrians and Cyclists – Policy carried forward with minor amendments to policy wording
- Policy NP11: Electric Vehicle Charging – Policy carried forward with minor amendments to policy wording
- Policy NP12: Community Facilities – Policy carried forward with appendix I referenced in the policy updated
- Policy NP14: Village Centre – Policy carried forward with wording amended to reflect national changes
- Policy NP15: Village Centre – Policy carried forward with wording amended to reflect national changes
- Policy NP21: Protection of Local Green Spaces – Policy carried forward with additional areas proposed to be designated
- Policy NP22: Creation of new Local Green Spaces – Policy carried forward with minor amendments to policy wording
- Policy NP23: Biodiversity – Policy carried forward with minor amendments to policy wording
- Policy NP26: Benson Brook – Policy carried forward with minor amendments to policy wording to refer to 10m buffer
- Policy NP27: Distinctiveness of Settlement – Policy carried forward with amendments to the policy wording, including identifying neighbouring settlements
- Policy NP28: Landscape and Views – Policy carried forward with amendments to the policy wording, including new important views

- Policy NP29: Landscape Buffer – Policy carried forward with minor amendments to policy wording
- Policy NP30: Flood Risk and SuDs – Policy carried forward with minor amendments to policy wording

Policies which have not changed, or which have not been carried forward from the made Benson Neighbourhood Plan, have not been included on the list.

Some new policies and policy modifications are being proposed; however the most significant modifications relate to the introduction of a settlement boundary around the built-up area of Benson and Preston Crowmarsh and the amendment of the allocation BEN 3/4.

The Planning Practice Guidance sets out the types of modifications which can be made to the neighbourhood plan. These are:

- *Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.*
- *Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.*
- *Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.*

The council consider the proposed modifications materially affect the policies in the plan. However, the vision of the plan remains unaltered in the Revised Plan.

The submitted review of the Plan is responding to the South Oxfordshire Local Plan 2035, whereas the 'made' Plan responded to the now superseded South Oxfordshire Core Strategy and Saved policies from the Local plan. However, the 'made' Plan was drafted considering what was then the emerging South Oxfordshire Local Plan, now adopted.

The modifications proposed in the Benson Review Plan are not considered significant. The Local Plan does not set out an additional housing requirement for Benson, in fact, it acknowledges that the 15% growth level has been exceeded. Whilst allocations are being carried forward from the 'made' plan, at the time of submission of the review plan, two of the three allocated sites are under construction and the third has received approval for its reserved matters application. Whilst there has been an amendment to the allocation BEN3/4 to remove parcels of land no longer required, the council does not consider that this modification would change the nature of the plan.

The introduction of settlement boundaries for Benson and Preston Crowmarsh does not significantly change the policy considerations of these settlements but add a local

level of detail and clarity regarding how planning applications within these locations should be considered.

Therefore, although material, the proposed modifications are not considered to be so significant or so substantial as to change the nature of the plan. In the council's opinion, the plan should undergo an independent examination, but it should not require a new referendum.