

## Policy and Programmes

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### **Brightwell-cum-Sotwell 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 Brightwell-cum-Sotwell Neighbourhood Development Plan (NDP) was made as part of the district council's Development Plan on 12 October 2017. Since the adoption of the Brightwell-cum-Sotwell NDP, the South Oxfordshire Local Plan 2035 was adopted in December 2020 and the National Planning Policy Framework (NPPF) has been updated, with the latest revision dated 20 July 2021.

The South Oxfordshire Local Plan 2035 supports Neighbourhood Development Plans that wish to promote development in the Smaller Villages, such as Brightwell-cum-Sotwell. Where NDPs do wish to make housing allocations, the Local Plan 2035 sets out what the appropriate level of growth should be. This is explained in Policy H8 as follows:

#### *Policy H8: Housing in the Smaller Villages*

- 1. The Council will support development within the Smaller Villages in accordance with Policy H16. Where a Parish Council wishes to prepare a Neighbourhood Development Plan and make housing allocations within it to support further growth, the Council will support this.*

2. *Those Neighbourhood Development Plans will need to demonstrate that the level of growth they are planning for is commensurate to the scale and character of their village, and this is expected to be around a 5% to 10% increase in dwellings above the number of dwellings in the village in the 2011 census (minus any completions since 1 April 2011).*
3. *Neighbourhood Development Plans allocating sites on greenfield sites in these locations should consider how development can meet the bespoke needs of their village, including housing mix, tenure and the amount of affordable housing.*

As set out on [page 87 of the Local Plan](#), in Brightwell-cum-Sotwell this growth level has been achieved by current allocations in the ‘made’ Neighbourhood Development Plan; and the Plan Review continues to contain policies and allocations that meet the identified housing requirement for the neighbourhood area. The Review also updates the position, removing a previously allocated site that has already been completed (Policy BCS3: Land at Little Martins and Home Farm Barns in the ‘made’ Plan).

The Brightwell-cum-Sotwell NDP Review seeks to respond to both local and national planning policy changes. The following NDP policy changes have been made:

- **Policy BCS1: Brightwell-cum-Sotwell Village Boundary** - Policy carried forward with minor amendments to policy wording.
- [Removal of ‘made’ Plan **Policy BCS3: Land at Little Martins and Home Farm Barns**, a previously allocated site that has already been completed].
- **Policy BCS5: House Types and Tenures** - New policy addressing both the First Homes Exception Sites initiative and older persons accommodation.
- **Policy BCS6: Design Code** - New policy that builds on and replaces the current ‘design principle’ policies BCS9 and BCS10; and introduces the addition of a Design Code (Appendix A).
- **Policy BCS7: Assets of Local Heritage Value** - New policy identifying these assets.
- **Policy BCS8: Local Green Spaces** - Policy renumbered with minor amendments to the Policies Map.
- **Policy BCS9: Local Gaps** - Policy carried forward with minor amendments to policy wording.
- **Policy BCS10: Landscape Character and the Villages** - Policy carried forward with amendments to address Key Views and the Design Code.
- **Policy BCS11: Dark Skies** - New policy addressing light pollution and quality of dark skies.
- **Policy BCS12: The Green Heart** - Policy carried forward with minor amendments to policy wording, to address Key Views.
- **Policy BCS13: Local Nature Recovery** - Policy renamed/renumbered (previously policy BSC12: Biodiversity, Trees, Hedgerows and Wildlife Corridors in the ‘made’ Plan) and carried forward with additions and amendments addressing new/replacement lighting schemes and their impact

on wildlife; as well as the inclusion of additional biodiversity net gain requirements.

- **Policy BCS14: Natural Flood Management** - New policy addressing flood management measures and how to support ecosystems.
- **Policy BCS16: Renewable Energy** - Policy carried forward with minor amendments to policy wording, to expand its support of other renewable energy and solar arrays.
- **Policy BCS17: Community Facilities** – replaces ‘made’ Plan policy BCS15, defining the buildings/land to which it applies and with amendments and additions to the policy wording to support the creation of new community facilities, business or commercial services.

Policies which have not changed<sup>1</sup> are: BCS2: Land at Bosley’s Orchard; BCS3: Land at Thorne’s Nursery; BCS4,4a,4b: Slade End Green; BCS15: Footpaths and Bridleways; BCS18: Tourism Facilities; and BCS19: Natural Burial Ground.

Some new supporting text is also proposed to sit alongside the policy modifications/additions. The most significant modifications in the Plan Review relate to the introduction of the five new policies: BCS5 - House Types and Tenures; BCS6 - Design Code (with the addition of Appendix A’s Design Code to sit alongside the policy); BCS7 - Assets of Local Heritage Value; BCS11 - Dark Skies Policy; and BCS14 - Natural Flood Management, as described above.

The Plan Review also responds 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 South Oxfordshire Local Plan 2011. The ‘made’ Plan was also drafted considering what was then the emerging South Oxfordshire Local Plan, now adopted.

The Planning Practice Guidance sets out the types of modifications which can be made to neighbourhood plans. 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.*

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<sup>1</sup> with the exception of their Policy number changing in some cases

- *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 that the described modifications and additions proposed in the Brightwell-cum-Sotwell Plan Review, including the new and amended policies responding to national policy changes, are material, but are not so significant or substantial as to change the nature of the plan itself. The changes add a local level of detail and clarity regarding how planning applications within the Neighbourhood Area should be considered. The plan Vision remains unaltered.

In the council's opinion, the Plan Review, with material modifications which do not change the nature of the plan, should undergo an independent examination, but it should not require a new referendum.