

## **Brixworth Neighbourhood Development Plan Review March 2021**

### **Consideration of Minor (Non-material)/Major (Material) Changes to the Made Brixworth Development Neighbourhood Plan (2 December 2016)**

#### **1. Background**

- 1.1 The purpose of this statement is for the Council to issue a formal decision on the nature of the changes proposed to the “made” Brixworth Neighbourhood Development Plan. In doing so, it has had regard to the definition of the categories of modifications set out in the National Planning Policy Guidance.
- 1.2 There is no requirement to review or update a made neighbourhood plan. However, there are circumstances where it could become out of date, for example where it conflicts with policies in a local plan that was adopted after it was made. In such cases, the most recent plan policy takes precedence. There may be other circumstances, particularly if a plan has been in force for a period of time, where other material considerations could mean that the evidence base which underpins aspects of the neighbourhood plan are out of date and policies are consequently less robust.
- 1.3 The Council has produced a Review Toolkit to guide neighbourhood plan steering group through the review process. The Toolkit breaks the process into three stages, the first of which involves screening the made neighbourhood plan for consistency against the National Planning Policy Framework (NPPF), which was revised in 2018 and 2019 and the Settlements and Countryside Local Plan (Part 2) for Daventry District (SCLP), which was adopted in February 2020. It also advises groups to consider whether new evidence and monitoring activities in the neighbourhood area might need to be taken into consideration. Groups are advised to undertake the screening and to submit the results to the Council for consideration.
- 1.4 The Brixworth Neighbourhood Development Plan was made in December 2016 and covers the period 2011-2029. The making predates both the NPPF revisions and the adoption of the SCLP. Brixworth Parish Council as the qualifying body (QB), has undertaken the screening process. No public consultation has been undertaken to date. The Parish Council submitted the following documents to the Council on 29 January 2021.:
  - a) Review Neighbourhood Development Plan
  - b) Tracked changes document setting out the changes to policy and supporting text, the reason for each change and an opinion on the nature of the change

## **2. Changes to the Brixworth Neighbourhood Development Plan**

- 2.1 The Review Neighbourhood Development Plan has introduced a number of changes. Table 1 below is based on submitted document (b) and sets out a summary of the changes which have been made to both policies and supporting text, each change has been numbered. It includes the opinion of the QB as to whether the changes are minor or material and an explanation of the Council's interpretation of the changes and whether it agrees with the view of the QB.
  
- 2.2 The full details of the changes are set out in document (b). It should be noted that if a policy or supporting text is not listed, it is not proposed to be changed.

**Table 1: Changes to the Brixworth Neighbourhood Development Plan**

<b>Change/ modification reference</b>	<b>Policy or paragraph</b>	<b>Summary of changes to Brixworth Neighbourhood Plan</b>	<b>Qualifying Body View</b>	<b>Local Planning Authority View</b>
1	Foreword	Changes to reflect outcome of the referendum and making of the NP in 2016. Reference made to NPPF 2019 and SCLP adoption in 2020 and the need for a review to ensure consistency with both.	Minor	Agreed
		Statement that the Steering Group considers the changes to be minor.	Minor	Agreed
		Update of steering group membership and advisors.	Minor	Agreed
2	Para 1.3	Update to reflect adoption of SCLP and replacement of the Daventry District Local Plan 1997	Minor	Agreed
3	Para 1.5	Update to reflect making of NP in 2016.	Minor	Agreed
		View that modifications do not change the basis of the NP and are considered minor to reflect SCLP	Minor	Agreed
4	Para 1.7	Additional text to explain that the steering group has revised the NP	Minor	Agreed
5	Para 1.8	Update to reflect adoption of SCLP	Minor	Agreed
6	Para 2.2	Update to reflect revision of NPPF and PPG	Minor	Agreed
7	Para 2.3	Update to reflect the current development plan	Minor	Agreed
8	Para 2.4	Update to reflect adoption of SCLP	Minor	Agreed
9	Para 2.5	Update to reflect adoption of SCLP	Minor	Agreed
10	Para 2.6	Update to reflect fact that NP is made	Minor	Agreed
11	Para 3.3	Update of housing completions	Minor	Agreed
12	Para 3.6	Update to reflect completion of development referred to in NP	Minor	Agreed

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13	Para 3.9	Update to reflect planning permissions	Minor	Agreed
14	Para 3.11	Update to reflect creation of additional parking spaces at community centre	Minor	Agreed
15	Para 3.12	Update on need for and completion of new GP surgery	Minor	Agreed
16	Para 3.13	Update on primary school capacity	Minor	Agreed
17	Para 3.16	Update on electrical supply issue	Minor	Agreed
18	Para 3.17	Deletion of text referring to Special Landscape Area (SLA) in order to be consistent with SCLP	Minor	Agreed
19	Para 3.19	Additional text to clarify that at the time the NP was prepared the SLA designation applied to part of the neighbourhood area  Additional text to clarify that the area no longer designated as SLA is still recognised as a local landscape designation through the SCLP	Minor  Minor	Agreed  Agreed
20	Para 3.21	Additional text to outline archaeological finds discovered during construction of housing estate and surgery	Minor	Agreed
21	Para 3.25	Additional text to update that discussions have taken place between the parish council, DDC and local clubs. Confirms which community facilities will benefit from developer contributions	Minor	Agreed
22	Para 4.9	Update to quotation from Primary School Governors regarding values	Minor	Agreed
23	Para 4.10	Update on completion of new GP surgery	Minor  Minor	Agreed  Agreed

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		Update to quotation from GP practice and patient participation group regarding new surgery, its capacity and use		
24	Para 4.13	Change to text to clarify consultation was undertaken in respect of draft NP	Minor	Agreed
25	Para 4.16	Change to text to clarify that a consultation statement was prepared for the submission NP	Minor	Agreed
26	Para 5.2	Update to commentary regarding concerns about capacity of community infrastructure to meet further development	Minor	Agreed
27	Para 5.3	Change to text to reflect previous comments about impact of development on countryside	Minor	Agreed
28	Para 5.4	Additional text referencing WNJCS policy R1 and explanation that there is no need to change the basis of the NP policies because of the rural housing requirement, completions and 5 year housing land supply (5YHLS), despite the provisions of SCLP policy RA1	Minor	Agreed
29	Para 6.1	Update to reflect the current development plan	Minor	Agreed
30	Para 6.2	Deletion of text relating to Saved Policy HS11 and substitution with WNJCS policy S1	Minor	Agreed
31	Para 6.3	Deletion of text relating to Saved Policies HS11 and HS14 and substitution with reference to WNJCS policy S3, rural housing requirement and policy R1.	Minor	Agreed.
32	Para 6.4	Change to reflect adoption of the SCLP	Minor	Agreed Agreed

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		Statement that steering group has worked with DDC to ensure NP is in general conformity with the adopted SCLP		
33	Para 6.5	Deletion of text relating to WNJCS policy R1 and change to reflect adoption of the SCLP	Minor	Agreed
		Confirmation that proposals will be considered against the development plan	Minor	Agreed
34	Para 6.6	Additional text to clarify R1 is a WNJCS policy	Minor	Agreed
35	Para 6.8	Additional text to explain that the SCLP designates Brixworth as a Primary Service Village, that Policy RA1 applies and sets out the main points of the policy	Minor	Agreed
36	Para 6.9	Update on progress against rural housing requirement	Minor	Agreed
37	Para 6.11	Update on 5YHLS	Minor	Agreed
38	Para 6.12	Update to Table 1 detailing housing commitments	Minor	Agreed
39	Para 6.13	Update of population growth figures	Minor	Agreed
40	Para 6.14	Change to reflect adoption of the SCLP	Minor	Agreed
41	Para 6.15	Deletion of text relating to completed housing development	Minor	Agreed
42	Para 6.21	Clarification that at the time the NP was prepared and made the SLA designation applied to part of the neighbourhood area	Minor	Agreed.  It is recommended that the previous Daventry District Local Plan is referred to as the "Daventry District Local Plan (1997)" for clarity.
43	Para 6.24	Additional text to emphasise that protection of countryside is still a key part of the NDP, based on	Minor	This is considered to be a material change which does

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		<p>landscape evidence and latest rural housing requirement position</p> <p>Additional text includes an extract from Examiner’s report regarding importance of views to character and setting</p>	Minor	<p>not change the nature of the plan and does not require a referendum. It is more than a factual update and implies that a reassessment of the land has been undertaken and includes a quote from the examiner. This is not necessary because views are already protected in the NP.</p> <p>If the QB wishes this to be a minor modification all the additional text in this paragraph should be removed.</p>
44	Para 6.29	Update on completion of housing development, new GP surgery and school provision	Minor	Agreed
45	Para 6.30	<p>Update to clarify the relevant classification of Brixworth, progress against the rural housing requirement, 5YHLS and % growth at the time the NDP was made</p> <p>Additional text to clarify that at the time the NDP was prepared the SLA designation applied to part of the neighbourhood area</p>	Minor	<p>Agreed. Recommend that the previous Daventry District Local Plan is referred to as the “Daventry District Local Plan (1997)” for clarity.</p>

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		Additional text to a point about residents' concerns about further development, that in undertaking the review the steering group consider the NDP is still relevant and no changes are needed other than referring to the SCLP	Minor	This is considered to be a material change which does not change the nature of the plan and does not require a referendum. It expresses a view that has not been supported by community consultation. If the QB wishes this to be a minor amendment the additional sentence starting "When reviewing the Neighbourhood Development Plan in 2020" should be removed.
46	Para 6.31	Change to reflect adoption of the SCLP	Minor	Agreed
47	Para 6.35	Change to reflect creation of new parking spaces at the community centre as a result of developer contributions from housing development	Minor	Agreed
48	Para 6.37	Change to reflect adoption of the SCLP	Minor	Agreed
		Deletion of text referencing the Saxon Church because the SCLP does not specifically protect its foreground	Minor	Agreed
		Additional text references policy ENV1 which recognises local landscape designations in NDPs; related to this, deletion of reference to SLA	Minor	It is considered that the way this is drafted is a material change which does not



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		Additional text to refer to SCLP policy RA6 in relation to development in open countryside in order to be consistent with the SCLP	Minor	<p>change the nature of the plan and does not require a referendum. It implies that policy ENV1 F specifically supports the Brixworth local landscape designation, which is incorrect. It should be amended to say that ENV1 F supports identification of local landscape designations in NDPs to remain a minor modification.</p> <p>In making reference to RA6 the change ignores RA1 B which sets out other prescribed circumstances where development in open countryside is allowed. This is considered to be misleading. In order to be consistent with the SCLP the NDP needs to provide a full picture of the types of development allowed outside the confines. Unless this is addressed the change is not considered to be a minor change. It is</p>

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				<p>therefore recommended that reference is added for completeness, which could be achieved by the insertion of the following text (or similar) before the last sentence of the paragraph: <u>“Policy RA1 A of the SCLP aims to focus development within the confines, however, there are specific circumstances where development outside the confines would be allowed, which are set out in part B of this policy”</u>.</p> <p>It is also recommended that the word “only” is removed from the last sentence in relation to RA6.</p>
49	Para 6.40	Change to reflect revised NPPF	Minor	Agreed
50	Para 6.42	Change to insert abbreviation for WNJCS	Minor	Agreed
51	Para 6.43	Additional text to clarify that the area no longer designated as SLA is still recognised as a local landscape designation through the SCLP	Minor	Agreed

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52	Para 6.45	<p>Change to reflect adoption of the SCLP and acknowledgement that this has made it necessary to consider implications for the NP.</p> <p>Additional text to explain that as well as policy 2, development will need to meet provisions of SCLP policies RA1 and RA6.</p> <p>However, NDP is still considered relevant and consistent with the development plan and Framework, thus only minor changes are proposed</p>	<p>Minor</p> <p>Minor</p> <p>Minor</p>	<p>Agreed</p> <p>Agreed</p> <p>This expresses the view of the steering group that the NDP is still relevant. However, this has not been confirmed by public consultation. If the QB wishes this to be a minor amendment the last two sentences should be removed.</p>
53	Policy 2	<p>Change to criterion A.4. to reflect revised NPPF</p> <p>Change to criterion B.d. to delete reference to SLA designation and update policy reference to SCLP ENV1</p> <p>Change to criterion B.f. to insert full title of the WNJCS</p>	<p>Minor</p> <p>Minor</p> <p>Minor</p>	<p>Agreed</p> <p>Agreed</p> <p>Agreed</p>
54	Para 6.50	Change to text stating that the steering group has reassessed and confirmed important views identified in the village design statement	Minor	It is considered that this is a material change which does not change the nature of the plan and does not require a

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				referendum. It goes beyond factual changes because it makes a statement that the review has involved a reassessment of the views by the steering group. However, this has not been confirmed by community consultation. If the QB wishes this to remain a minor modification the additional text should be removed.
55	Para 6.51	<p>Additional text to confirm that the area no longer designated as SLA is still recognised as a local landscape designation</p> <p>Additional text includes an extract from Examiner's report which concludes that the views were special</p>	<p>Minor</p> <p>Minor</p>	<p>Agreed</p> <p>This is considered to be a material change which does not change the nature of the plan and does not require a referendum. It is more than a factual update and furthermore it is not necessary because views are already protected in the NDP. If the QB wishes this to remain a minor modification the additional text beginning</p>

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				with “When the Examiner assessed” should be removed.
56	Table 3	<p>View 4 Deletion of reference to the SLA and a permissive footpath Change to reflect SCLP relevant policies</p> <p>View 5 Change to text to substitute reference to the SLA with the local landscape designation</p> <p>Additional text to confirm that despite planting of trees on part of the land within the view, the importance of the area to the setting of the village is not diminished</p>	<p>Minor</p> <p>Minor</p> <p>Minor</p>	<p>Agreed</p> <p>Agreed</p> <p>It is considered that this is a material change which does not change the nature of the plan and does not require a referendum because it is more than a factual change because it expresses an opinion that despite tree planting the area is still important. However, this has not been confirmed by an update of the evidence base or community consultation. If the QB wishes this to remain a minor modification the final sentence starting</p>

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				"However, the importance" should be deleted.
57	Para 6.54	Change to reflect adoption of the SCLP and relevant policies	Minor	Agreed
58	Para 6.59	Changes to reflect adoption of the SCL and relevant policies,	Minor	Agreed
59	Para 6.74	Change to reflect revised NPPF	Minor	Agreed
60	Para 6.77	Additional text to reference conservation area appraisal and management plan which was undertaken after the NP was made and resulted in a change to the conservation area boundary	Minor	Agreed
61	Para 6.78	Change to reflect adoption of the SCLP and relevant policy	Minor	Agreed
62	Para 6.80	Change to NPPF reference	Minor	Agreed. However, recommend that the word "strategic" is deleted, the NPPF sets out the Government's planning policies.
63	Para 6.84	Changes to reflect fact that a heritage trail has been created	Minor	Agreed
64	Para 6.87	Change to reflect adoption of the SCLP and relevant policies	Minor	Agreed
	Policy 11	Change to part 1 to reflect adoption of the SCLP and relevant policies	Minor	Agreed
65	Reviews	Change to reflect fact that a review has been undertaken and the reason for the review	Minor	Agreed
66	Conclusion	Para 1:	Minor	Agreed

Change/ modification reference	Policy or paragraph	Summary of changes to Brixworth Neighbourhood Plan	Qualifying Body View	Local Planning Authority View
		<p>Change to text to reflect that it applies to the Made NP</p> <p>Para 2: New paragraph containing additional text explaining the review process and conclusion that the NP remains relevant</p> <p>Para 3: New paragraph expressing the view that the steering group believes that they represent views of the community in light of the NPPF and updated development plan</p>	<p>Minor</p> <p>Minor</p>	<p>It is considered that most of the text is inappropriate for the review. The final sentence expresses an opinion of the steering group that has not been confirmed by community consultation. If the QB wishes this to remain a minor modification the text starting with “We concluded that the modifications” should be replaced with something like <u>“This review has made a number of minor amendments to reflect factual changes since the Plan was first Made in December 2016”</u>.</p> <p>The second sentence expresses an opinion of the steering group. However, this has not been confirmed by community consultation. If</p>

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				the QB wishes this to remain a minor modification the whole paragraph is removed for it to remain a minor modification.



### **3. Nature of the Changes**

- 3.1 Officers are authorised under the Scheme of Delegation to issue a statement to the QB on the nature of the modifications contained in the review of the Brixworth NDP. This statement considers whether the changes represent material or non-material amendments to the made NDP.
- 3.2 National Planning Policy Guidance was reviewed in 2019 and introduced the following categories:
- Minor (non-material) modifications to a neighbourhood development 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.

### **4. Reasons for decision**

- 4.1 Table 1 sets out the changes with views of both the QB and the Council on the nature of the changes. The QB has concluded that, in undertaking the screening of the made NDP against the NPPF and adopted SCLP, the changes that are proposed to the NDP are wholly minor and fall into the first category set out in the PPG.
- 4.2 The Council agrees that the majority of the changes fall into the first category, that they are minor in nature and would not materially affect the policies in the plan. These changes include:
- i. Factual information including the outcome of the 2016 referendum and steering group membership.
  - ii. The reason for the review.
  - iii. The revised NPPF and development plan, including policy references reflecting the adoption of the SCLP.
  - iv. Update on extant residential planning permissions and proposals that have subsequently been built.
  - v. Update on capacity of local community infrastructure.
  - vi. The current status of the local landscape designation.
- 4.3 The Council disagrees with the QB on a number of changes and considers that they fall into the second category of modification i.e. material modifications that do not change the

nature of the plan but would require an examination but not a referendum. Such changes include the following with relevant change references in brackets:

- i. Steering group opinions that particular issues remain important, are still a concern of residents, and that they continue to represent the views of residents, however, these opinions are not supported by public consultation (43, 45 (part), 66 (part)).
- ii. Additional arguments for the designation of important views including extracts from the Examiner's report and an opinion that land within the views remains important to the character and setting of the village despite subsequent tree planting. The opinions of the steering group have not been supported by public consultation or a review of the landscape evidence 43, 54, 55 (part), 56 (part).
- iii. Misinterpretation of policy ENV1 of the SCLP, which does not specifically protect land at Brixworth (48 (part)).
- iv. Inconsistency with the SCLP which misrepresents the full range of circumstances where development outside the confines is allowed (48 (part)).

4.4 The Local Planning Authority View in Table 1 provides an explanation and a recommendation of how the text could be amended for the change to remain minor. The Council has also commented where a policy or supporting text could be improved for clarity or accuracy.

4.5 An alternative option would be for the QB to retain the changes and to progress with the review by undertaking Regulation 14 consultation and submitting the NP to the Council for Regulation 16 consultation and examination. The Council would be prepared to discuss both options with the QB.



Simon Bowers

Executive Director (Business)

Date 18 March 2021