

BURGHCLERE PARISH 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 Burghclere Parish Neighbourhood Plan.

DECEMBER 2022 Rev B

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1. Introduction

1.1 As a 'Qualifying Body', Burghclere Parish Council ("the Parish Council") proposes to modify the made Burghclere Parish Neighbourhood Plan ("the Made Plan") of May 2021. This Statement has been prepared to support the proposed modified Neighbourhood Plan ("the Modified Plan") following the 'Pre-submission' consultation which ended in November 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, Basingstoke and Deane Borough Council ("the Borough 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. In which case, the modifications may be made without a referendum in accordance with the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017/1243. Regulation 14 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 above¹, 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.

¹ Paragraph: 085 Reference ID: 41-085-20180222

2. Background

2.1 On 27 May 2021 the Borough Council resolved to ‘make’ the Neighbourhood Plan, following a successful referendum which took place on Thursday 6 May 2021. The designated neighbourhood area covers the same area as the Parish Council’s administrative boundary.

2.2 The Made Plan covers the period 2011 – 2029 and contains fourteen land use planning policies (B1 – B14). They include a housing site allocation (B2), as well as development management policies covering the whole of the Plan area.

2.3 There are four reasons for the Parish Council proposing to make modifications. Firstly, the Parish Council has been active in monitoring the implementation of the policies by the Borough Council in its determination of planning applications since 2021. It considers that some policies warrant modification to aid their more effective implementation.

2.4 Second, the Parish Council will use this 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 including the addition of a Design Code that builds on the existing design policies in a manner envisaged by PPG ID:41-106.

2.5 Third, by strengthening the plans response to climate change and ecological emergency to reflect the Government’s Net Zero Strategy and Environment Act 2021 by placing emphasis on the role of development in addressing climate change and further detailed investigation of nature recovery/ecological corridor opportunities in the parish.

2.6 Fourth, the Parish Council is keen for the plan-led system to maintain its currency in managing a recent trend in speculative planning applications for housing development surrounding the main village. To do so requires an update of the Made Plan to engage the provisions of §14 of the National Planning Policy Framework (NPPF), given the continuing uncertainty of the Borough Council’s housing land supply position. It is therefore proposing a series of changes to the Made Plan but covering the same plan period to 2029. In due course, if necessary, the Parish Council will consider a further review of the Modified Plan to bring it up-to-date with the development strategy of the Local Plan Update.

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 Modification Proposal 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 of decision making 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 remain unaltered in any material way – and explains why the Parish Council considers they do not change the nature of the plan.

The Proposed Modifications and Summary of the 'Change the Nature of the Plan' Test

Policy No.	Policy Title	Summary of Modifications	The Change the Nature of the Plan Test	Y/N
B1	Burghclere Settlement Boundary	While no change to the settlement boundary has been necessary, the modifications remove some confusion in how this policy operates inside and outside settlement boundaries, in the context of the application of NPPF paragraphs 11(d), 14 and 80, and also to reflect the Burghclere Design Code. The modified policy includes an updated clause and supporting text to address this. It also includes a new clause that reflects updated guidance on 'nutrient neutrality'.	The boundary itself is unchanged. The changes to the wording do not contradict the spatial principles of the Made Plan.	N
B2	Land off Harts Lane/Winchester Road	The minor change to the policy (clause (vi) 10% net gain) responds to the Govt's 25 Year Environment Plan and reflects the Borough Council's latest interim guidance on Biodiversity Net Gain.	The change updates but does not materially alter the need to deliver 'biodiversity net gain' in the Made Plan.	N
B3	Residential Garden Land Development	The updated policy improves clarity on the criteria that should apply to development of RGL, particularly plot subdivision, in the context of the Burghclere Design Code and guidance issued by BDBC in respect of Local Plan Policy SS6 (Homes in the Countryside).	The change updates but does not materially alter the emphasis of the Made Plan, nor its spatial principles.	N
B4	House Mix, Tenure and Provision of Smaller Homes	This modification reinforces the need for smaller homes and responds to the First Homes policy initiative introduced by Government in 2021 which updated the definition of affordable housing to include 'First Homes'. It also reflects the interim policy statement on 'First Homes' issued by BDBC in Dec 2021.	The change brings up-to-date but does not materially alter the emphasis of the Made Plan in providing for the needs of younger people in the parish.	N
B5	Burghclere Design Code	This new policy replaces policy B5 of the Made Plan. This enables the Modified Plan to better reflect the new approach to design management that the Government wishes the planning	The greater detail provided by the new code refines and does not in any way contradict the design principles of the Made Plan.	N

		system to adopt. The new 'Burghclere Design Code' (included in Appendix A) is cross referenced in the policy as the amalgamation of the design guidance content of the Borough Council, the Village Design Statement included in the 'Made' Plan, and the updated BDBC Landscape Character Assessment. It is structured to fit neatly with the Borough-wide 'Design and Sustainability SPD' to aid applicants to acknowledge, understand and respond to that Guide articulated for this Parish within the Code. This will also help BDBC to consider and determine the design elements of proposals more easily.		
B6	Net Zero Carbon Buildings	This updated policy responds to the Government decision in 2020 to allow local communities discretion in how they wish to tackle climate change at the very local level in response to the UK Net Zero Strategy, in the interim, whilst the Government decides on a national standard for the performance of new buildings through the Future Homes Standard (residential) and Future Buildings Standard (non-residential). The modified supporting text directs applicants to the Net Zero Carbon Toolkit produced under common licence to supplement BDBC guidance.	The change signals support for actions that will mitigate the climate change impact of new buildings and is simply a reflection of the direction of travel of policy since the Plan was Made. As it is such a globally and nationally significant issue, it cannot be absent from a neighbourhood plan. Applying 'zero carbon ready' principles are a statement of government policy and guidance, and should not compromise the design principles of the Made Plan.	N
B7	Local Heritage Assets	No modification proposed	No Change	N
B8	Valued Local Landscape	These modifications add a small number of policy principles that are integral to the character of the local landscape, and the village setting within it. The 'fingers of countryside' are derived from the new Burghclere Design Code 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
B9	Important Views	No modifications proposed	No change	N

B10	Green Infrastructure and 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
B11	Local Green Spaces	No modifications proposed	No Change	N
B12	Community Facilities	No modification proposed	No change	N
B13	Tourism	No modification proposed	No change	N
B14	Car Parking	No Modification Proposed	No Change	N

3.4 The analysis set out in the table above 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 settlement 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.**

3.5 The Borough Council confirm in their Regulation 14 comments that they supports the positive strategy taken by the Plan in advance of the Local Plan Update. **The Borough Council also confirmed “that the proposed modifications would be material but ‘would not change the nature of the plan’, taking into account the advice in PPG para ID: 41-106-20190509.”** They also confirm the modified plan will re-engage the protection from speculative development afforded by NPPF paragraph 14.

4. Strategic Environmental Assessment

4.1 The Parish Council is obliged to monitor and review the Sustainability Appraisal (SA/SEA) that accompanied the Made Plan, as per the Environmental Assessment of Plans & Programmes Regulations 2004.

4.2 The Local Planning Authority rescreened the proposed Modified Plan for the need for an SA/SEA and concluded that a SA/SEA Addendum Report should be prepared.

4.2 Given the modest nature of the proposed Modified Plan it has not been necessary to revise the seven 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 of the SA/SEA Addendum Report was consulted upon alongside the Modification Proposals. 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 of eight policies in the Made Plan. 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, these modifications follow not just the spirit of the Made Plan but also maintain and not change the nature of its spatial or design principles.