

Cabinet Report



Report of Head of Planning

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To: CABINET

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Making the Great Coxwell Neighbourhood Development Plan Review

That Cabinet recommends to Council:

1. To make the revised Great Coxwell Neighbourhood Development Plan, as set out in Appendix 2 of this report, so that it becomes part of the council's development plan.
2. To delegate to the Head of Planning, in consultation with the Cabinet Member for Planning and in agreement with the Qualifying Body, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

Purpose of Report

1. To provide an update to Cabinet on the progress of the Great Coxwell Neighbourhood Development Plan Review and to present the relevant considerations in relation to whether the revised plan should be made (formally adopted).

Corporate Objectives

2. Supporting the development of neighbourhood plans for our towns and villages.

Background

3. Great Coxwell Parish Council was identified as the qualifying body and the parish of Great Coxwell was designated as a Neighbourhood Area in August 2013, under the Neighbourhood Planning (General) Regulations (2012). A referendum was held on 12 March 2015, where 95.08 per cent of those who voted (49.2 per cent of the parish)

were in favour of the plan. On 15 July 2015 the Great Coxwell Neighbourhood Plan was officially made and became part of the Development Plan.

4. Great Coxwell Parish Council have subsequently submitted a revised neighbourhood plan alongside a table setting out the justification for the proposed modifications (Appendix 1), which includes updating community policies (these do not form part of the development plan), correction of errors, an amended layout and updating information to reflect the current circumstances.
5. These amendments are considered to be minor. In accordance with the National Planning Policy Framework (NPPF), minor (non-material) updates to a neighbourhood plan do not materially affect the policies in the plan. The council may make such updates at any time, provided it has the consent of the qualifying body. Consultation, examination and referendum are not required when making non-material modifications to a made neighbourhood plan.
6. Section 61M(6) of the Town and Country Planning Act 1990, (as applied to neighbourhood plans by section 38C(2)(c) of the Planning and Compulsory Purchase Act 2004) advises that a modification of a neighbourhood plan is to be undertaken by replacing the plan with a new one containing the modification. Sections 61M(4) and 61M(4A) of the Town and Country Planning Act 1990 enables the council to modify a neighbourhood plan for the purpose of correcting errors or where the modification does not materially affect the planning policies of the plan.
7. Great Coxwell Parish Council (the qualifying body) asked the council to modify the made neighbourhood plan in accordance with the changes set out in Appendix 1. The council can therefore be satisfied that the parish council consents to the changes proposed and the replacement of the made Great Coxwell Neighbourhood Plan with the Great Coxwell Neighbourhood Plan Review 2020 available in Appendix 2.

Options

8. Whilst there is no requirement to review or update a neighbourhood plan; so there is an option not to make the updates, it is considered helpful for errors to be corrected in order that the plan reflects the latest situation. Not making the amendments would mean the plan is not up to date, which can have implications in decision making on planning applications. Consequently, we do not recommend this option.
9. Another option is to make different changes to those proposed by the qualifying body. However this has not been requested by Great Coxwell Parish Council and their consent is needed as required by Section 61M(5) of the Town and Country Planning Act 1990. On this occasion, we do not consider that any other changes are required. We have worked closely with the qualifying body to ensure changes proposed meet the relevant requirements, in particular, that they do not materially change the planning policies in the plan. Consequently, we do not recommend this option.
10. The recommended option is to accept the requested changes and make the reviewed plan. Producing and updating a neighbourhood plan is a right that communities can exercise. By making the revised plan we would be satisfying our duty to guide and assist communities preparing or reviewing neighbourhood plans. Furthermore, by progressing the update of the plan, we would be bringing the neighbourhood plan up to date with the latest information, correcting errors and creating a clearer and better layout.

Financial Implications

11. There are no financial implications of this decision other than use of staff resource, which is within the existing budget. The review is composed of minor modifications and consequently is not subject to consultation, examination or referendum costs. Due to the minor nature of the modifications we are not entitled to claim Government grant funding for this review.

Legal Implications

12. Sections 61M(4) and 61M(4A) of the Town and Country Planning Act 1990 enables a local planning authority to modify a neighbourhood plan they have made for the purpose of correcting errors or if they consider that the modification does not materially affect the planning policies of the plan.

13. Great Coxwell Parish Council as qualifying body has requested and given permission, as required by Section 61M(5) of the Town and Country Planning Act 1990, for the council to update their neighbourhood plan. Paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 sets out that a council has a duty to provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing or reviewing a neighbourhood plan.

14. The requirements of section 61M of the Town and Country Planning Act 1990 have been met. The updates set out in Appendix 1 are not considered to materially affect the planning policies in the plan.

Risks

15. A risk to progressing the making of the review of the Great Coxwell Neighbourhood Plan is that there may be differing opinions as to whether the changes are not material, as this is a matter of planning judgement. Paragraph 84A of the NPPG sets out that Minor (non-material) updates to a neighbourhood plan or Order would not materially affect the planning policies in the plan. This matter has been carefully considered and the changes proposed (see Appendix 1) do not relate to the existing policy wording or, in the case of changes to supporting text, materially affect how the planning policies in the plan are interpreted.

Conclusion

16. As the reviewed Great Coxwell Neighbourhood Plan represents minor modifications to update and correct errors within the currently made Great Coxwell Neighbourhood Plan, it is recommended that the reviewed Great Coxwell Neighbourhood Development Plan is made.

Background Papers

Appendix 1: Table of changes

Appendix 2: Great Coxwell Neighbourhood Plan review 2020