

## Myland & Braiswick Neighbourhood Plan Review – Modification Statement

### **Introduction**

The Myland & Braiswick Neighbourhood Plan was made in 2016. Since the adoption of the Myland & Braiswick NP, the Colchester Local Plan (2017-2033), which is in two sections, was adopted. Section 1 was adopted in February 2021 and Section 2 was adopted in July 2022. Since the Myland & Braiswick Neighbourhood Plan was made the National Planning Policy Framework (NPPF) has also been updated, with the latest revision dated 20 July 2021.

The Myland & Braiswick Neighbourhood Plan Review is seeking to respond to these local and national planning policy changes.

As part of the review of the Neighbourhood Plan, the Neighbourhood Plan Group has reviewed the Myland Design Statement (MDS), originally published in 2010. The MDS review found that the majority of the MDS recommendations remain relevant. Where relevant, MDS recommendations have been integrated into the Neighbourhood Plan policies as part of the review of the Neighbourhood Plan.

A modified version of the Plan was submitted to Colchester City Council in February 2023.

### **Background**

National Planning Practice Guidance states there are 3 types of modifications that can be made to a Neighbourhood Plan:

- minor (non-material) modifications to a neighbourhood plan or 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 Planning Practice Guidance also sets out the following additional requirements if a qualifying body wish to make modifications to the plan:

- 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.

### **The Proposed Modifications**

The proposed modifications to the Myland and Braiswick Neighbourhood Plan are shown in the 'track change' version of the plan which was submitted by the Qualifying Body as a submission document.

The modifications are summarised below:

- Context and Scope, update of review and community engagement since adoption in 2016.
- Objectives, the insertion of an objective for the section 'Public Realm'.
- Housing Policy HOU1, enhancing with climate challenge options, enhanced list of heritage assets and integration of Myland Design Statement (MDS) recommendations.
- Housing, a new Policy HOU3, in relation to development pockets in Braiswick.
- Employment Policy EMP1, amending title of employment zone and integration of MDS recommendations.
- Environment Policy ENV4, enhanced protection of High Woods Country Park biodiversity.
- Environment, new Policy ENV5 to protect the adopted Myland and Braiswick Green Network.
- Environment, new Policy ENV6, to reflect Myland Community Council's policy document on the environment and biodiversity.
- Original Social Amenity Policy SAM2, deleted as time-lapsed and replaced with new policy on EV charging points.
- Transport and Roads, highlighting of cycle infrastructure design guidance LTN1/20 and integration of MDS recommendations.

## **Conclusion**

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.

It is noted that the Qualifying Body in their Modification Statement consider that the modifications made are more significant than modification type 1, but not as significant as modification type 3 and concludes therefore that the modifications made require examination but not a referendum. The Council agrees with this conclusion. The proposed modifications will ensure the Plan remains up to date. The goals and objectives of the plan have been updated but they remain largely unchanged in their nature.

Therefore, the Council concludes that it considers that the Plan review as submitted constitutes material modifications which do not change the nature of the plan and would require examination, but not a referendum.

Colchester City Council

May 2023