



Lawshall Neighbourhood Plan 2021 - 2037
Regulation 17(e)(ii) Modification Statement
Dated: 19 September 2023

Decision:

The Lawshall Neighbourhood Plan was first made (adopted) by Babergh District Council in October 2017. It contains sixteen policies and covers the plan period 2016 - 2036. It is now undergoing modification by Lawshall Parish Council.

The submission draft 'Lawshall Neighbourhood Plan Review 2021 - 2037' (June 2023) [paragraph 1.2] explains that while there is nothing intrinsically wrong with the adopted Plan, the planning scene both nationally and locally has moved and that the Parish Council felt it necessary to update their Plan to ensure it remains relevant to the parish. The two plans are broadly similar. The Review extends the plan period to 2037 to coincide with the end date of the emerging Joint Local Plan. It also retains fourteen of the original sixteen policies but takes the opportunity to update these so that their wording is more consistent with other recently adopted neighbourhood plans. It also introduces seven new policies which, on the whole, provide general planning guidance. Collectively, the changes mean that the LNP Review now sets out twenty-two policies covering the same broad themes. None of the policies allocate sites for new housing or other forms of built development.

Taken as a whole, Babergh District Council are of the opinion that while modifications have been made to the Lawshall Neighbourhood Plan, these do not significantly or substantially alter its overall nature. Consequently, we consider that the Lawshall NP Review document will require examination but, subject to the decision of the independent examiner, would not require a referendum.

In reaching this decision, due consideration has been given to the advice set out in National Planning Practice Guidance (NPPG) and in the Neighbourhood Planning Regulations.

Background:

National Planning Practice Guidance (NPPG) paragraph 106 (Reference ID: 41-106-20190509)¹ explains that '*there are three types of modification which can be made to a neighbourhood plan*' and that '*the process will depend on the degree of change which the modification involves*'. One example given of a material modification which does not change the nature of the Plan, would require examination, but not a referendum, is the addition of a design code that builds on a pre-existing policy. NPPG paragraph 085 (reference ID: 41-085-20180222)² also sets out what is required of the local planning authority when sending a modified plan to an independent examiner.



In the case of a modification proposal, Regulation 17(e)(ii) of the Neighbourhood Planning (General) Regulations 2012 (as amended)³ requires the relevant local planning authority to 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.' This statement fulfils that purpose.

References:

1. Under: <https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>
2. *ibid*
3. NP Regulations 2012: <https://www.legislation.gov.uk/uksi/2012/637/regulation/17>