



Neighbourhood Planning Guidance

Review Process

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1. Introduction

- 1.1 Rother District now benefits from a number of made neighbourhood plans which help shape and direct development, and form part the statutory development framework for the district.
- 1.2 This guidance note provides information for communities who may be considering whether to review their existing neighbourhood plan or those who have already embarked on a review. For those communities who are considering making a ‘first’ neighbourhood plan, Locality has a wealth of guidance on this topic which can be found [here](#).
- 1.3 National legislation allows for and outlines the parameters for a review of neighbourhood plans which allows for plans to be updated. Links to the relevant legislation and Government guidance are below:
 - [Neighbourhood Planning Act 2017](#)
 - [The Neighbourhood Planning \(General\) Regulations 2012](#)
 - [The Neighbourhood Planning \(Referendums\) Regulations 2012](#)
 - [Planning and Compulsory Purchase Act 2004](#)
 - [National Planning Practice Guidance – Updating a Neighbourhood Plan](#)

2. Review of made Neighbourhood Plans

- 2.1 There is no legal requirement for a neighbourhood plan to be reviewed, however, certain circumstances may mean communities wish to consider a review, such as:
 - A review of the Local Plan
 - Changes to national planning policy or guidance
 - A change in local context
 - Monitoring of your plan reveals certain issues with policies and how they are being implemented
- 2.2 There is no specific criteria or formula for judging when a neighbourhood plan should be reviewed, as a review is not legally required. The consideration of information gained through monitoring the plan and policy objectives, and use of your plan, will help you to decide at what point revising the plan becomes a desirable outcome. The Council can offer advice to assist with this, however, it is for the steering group to determine if, when and how to proceed with a review. The aim of this guidance is to provide some overarching general principles for reviewing your plan.

3. Deciding whether to review your plan

- 3.1. The following examples provide a summary of factors to consider. This is not an exhaustive list, but is intended as a high-level guide that you can apply when considering a review.

Effectiveness

- 3.2. The Qualifying Body¹ can consider the effectiveness of the existing neighbourhood plan via the assessment and monitoring of planning decisions within the neighbourhood area. Where it is found that a neighbourhood plan policy is not having the anticipated outcome, this may indicate a need for the policies to be reviewed or may indicate that there is a need for additional policies relating to the identified area.
- 3.3. Where the neighbourhood plan plans for growth, monitoring will identify whether the planned growth is being delivered. Housing monitoring data is published on the Council's website annually. The Council also annually publishes a Five-Year Housing Land Supply Statement which reports on the anticipated delivery of sites with planning permission and allocated sites without permission over a five-year period. The Council's monitoring data can be found here - [Monitoring – Rother District Council](#)
- 3.4. The questions below may help guide you towards assessing and deciding whether the existing neighbourhood plan has been effective and subsequently if a review is needed:
- Are your policies being interpreted by the relevant people (i.e. the applicant/agent, planning officers and the Planning Committee) in the manner that you anticipated?
 - Are there any issues in the interpretation of the wording and meaning behind the policy?
 - Are there any gaps in the plan or policies missing?
 - Have your policies been tested at a planning appeal? If so, what was the outcome?
 - Have there been any changes in circumstances which means that your plan is not as responsive as envisaged? For example, have the policies contributed to achieving the aims and objectives of the plan?

¹ A *Qualifying Body* is either a parish or town council, or a designated neighbourhood forum in non-parished areas, authorised to lead the creation of a neighbourhood plan or development order for their community.

National Legislation and Policy

- 3.5. Amendments to planning practice guidance, national planning policy or legislation have the potential to impact on a neighbourhood plan. Furthermore, case law and appeal decisions can be a material consideration in policy interpretation. Changes in national policy could potentially conflict with the neighbourhood plan. Such changes could mean that your NP policies have less “weight” in planning decision making. This in turn feeds back into an assessment of the effectiveness of the plan.

Local Planning Policy

- 3.6. As with changes to national policy, changes to local planning policy through the revision of the Local Plan could impact on neighbourhood plan policies. Where local plan and neighbourhood plan policies are in conflict, the most recently adopted policy would take precedent². The impact of adoption of a local plan after the making of a neighbourhood plan may need to be carefully considered.
- 3.7. The National Planning Policy Framework (NPPF) sets out a requirement for local plans to be reviewed at least every five years to determine whether its policies and strategy are in need of updating.

Local Circumstances and Evidence

- 3.8. Changes in local circumstances could include economic, social or environmental changes (e.g. following completion of a development). New evidence may need to be gathered to identify and assess the impact of local changes on the neighbourhood plan policies.

Local Opinion

- 3.9. Community and stakeholder engagement may highlight additional or new local issues or concerns that may have arisen since the neighbourhood plan was made. These engagements could influence a decision on whether to revise the neighbourhood plan, considering that neighbourhood plans are fundamentally driven by the community.

4. Scope of the review

- 4.1. The need and level of review will vary for individual neighbourhood plans. There is no ‘one size fits all’ approach to reviewing your plan, as neighbourhood plan areas vary greatly in terms of community aspirations and physical constraints. Resource implications for a neighbourhood plan review will need careful consideration: do

² [Section 38\(5\) of the Planning and Compulsory Purchase Act 2004](#)

you have enough members of the group to proceed with a review, do you need outside help and funding etc.?

5. The review process

- 5.1. There are three different statutory processes for reviewing a neighbourhood plan., The process will be informed by the extent of the review. In the case of a *minor update* this will need to be agreed with the Council. Where a *material modification* is involved, an Independent Examiner will make the decision over whether a referendum is required. National guidance on statutory provisions can be found via the following link: <https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>.
- 5.2. Guidance on each of the three processes is set out in further detail below which relate to – *minor modifications; material modifications that do not change the nature of the plan; and material modifications that change the nature of the plan*. Officers will be able to discuss these changes with you and provide guidance on which bracket your review would likely fall into.
- 5.3. The two review methods for *material modifications* follow similar routes during the review process, with the Independent Examiner determining the final process. The main difference between the two review methods is the need for a referendum where the modifications are considered to change the nature of the plan (see table 1 below). At the time of writing this guidance, there is limited precedent of reviews, examinations, or examples of second-generation neighbourhood plans. Where the planning system in England is discretionary (determined on a case-by-case basis), it is anticipated that the line between material modifications which do not change the nature of the plan and modifications which do change the nature of the plan, will become clearer over time as more examples and case law become available.
- 5.4. Table 1 below sets out the stages of the neighbourhood planning process which are required to be undertaken for each of the three different statutory processes for reviewing a neighbourhood plan.

Table 1. Summary of differences in process between minor modifications, material modifications which do not change the nature of the plan (material 1), material modifications that change the nature of the plan (material 2).

Minor	Material 1	Material 2
<ul style="list-style-type: none">• No Consultation• No Examination• No Referendum	<ul style="list-style-type: none">• Regulation 14 Consultation	<ul style="list-style-type: none">• Regulation 14 Consultation

	<ul style="list-style-type: none"> • Regulation 15 Submission • Regulation 16 Consultation • Regulation 17 Examination • Made 	<ul style="list-style-type: none"> • Regulation 15 Submission • Regulation 16 Consultation • Regulation 17 Examination • Referendum • Made
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Minor (non-material) updates

- 5.5. This form of review is reserved for issues such as minor typographical errors, updating inconsistencies and adding information for clarification. This would not result in any changes to the policies stance or interpretation.
- 5.6. These changes are generally so minor in nature that no consultation needs to be undertaken and as such there would be no requirement for an examination or referendum. Non-material updates can be agreed between the Qualifying Body and the Council, and these changes must be made by the Council following consent from the Qualifying Body. This route would not result in the ‘remaking’ of the neighbourhood plan and therefore the made date of the original plan would still apply.

Material modifications which do not change the nature of the plan

- 5.7. The modifications which comprise this form of review would be considered to not change the nature of the plan. A material modification would be considered as a change which does not alter the overall strategy of the plan. For example, this could comprise the addition of a design code, which builds on an existing design policy. In certain circumstances, this may comprise the addition of one or more development sites whereby the initial version of the neighbourhood plan already contained allocated sites for development.
- 5.8. Plan reviews which make material modifications must be subject to public consultation and examination in the same way as a new Neighbourhood Plan. As such, this requires that the modified version of the plan must be subject to the Regulation 14 and Regulation 16 consultation processes before proceeding to a Regulation 17 examination. A separate ‘*modification statement*’ will need to be produced by the Qualifying Body which contains a summary of the modification proposals and sets out the reasons why the plan should be modified as proposed. The modification statement will need to form part of the public consultations. The Council will also provide a separate statement to the examiner indicating whether

they consider the modifications to be of a material or substantial nature. The Qualifying Body can decide whether to proceed with the examination after the examiner has decided whether the modifications change the nature of the plan and therefore whether a referendum would be required.

Material modifications that change the nature of the plan

- 5.9. Building on para 5.7 above, the only difference between the process for material modifications that change the nature of the plan and material modifications that do not change the nature of the plan, is that a referendum will be required for a neighbourhood plan whereby material modifications are assessed as changing the nature of the plan.
- 5.10. Examples of modifications to a neighbourhood plan that may change its nature could be; new site allocations where the first version of the neighbourhood plan did not allocate sites for development, adding numerous sites or particularly large sites for allocation where sites were allocated previously, changes to a settlement boundary, or significant new policy topics.
- 5.11. If the examiner concludes that the proposed modifications change the nature of the plan, the Council will need to publicise and consider the examiner's report in the same way as they would for a new neighbourhood plan, including the requirement for undertaking a referendum. Further information regarding the primary legislation for the making and review of made plans can be found here:
<https://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>

Additional Guidance

Locality funding and technical support can be available for Qualifying Bodies seeking to review and update their made neighbourhood plan:

<https://neighbourhoodplanning.org/about/grant-funding/>

<https://neighbourhoodplanning.org/toolkits-and-guidance/neighbourhood-planning-grant-technical-support-guidance-notes/>

General guidance relevant to modifying a neighbourhood plan:

<https://neighbourhoodplanning.org/>

<https://neighbourhoodplanning.org/toolkits-and-guidance/how-to-implement-monitor-and-review-your-made-neighbourhood-plan/>