

## Rye Neighbourhood (Development) Plan Review Statement of Modifications

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1. In July 2013, Rye Town Council, as the qualifying body, undertook to develop a Neighbourhood Plan under the Localism Act 2011. This Act gave communities (neighbourhoods) the ability to exercise more control over future development in their locality by creating their own neighbourhood development plan. Rye Town Council formed a Neighbourhood Plan Steering Group, comprising Councillors and citizens with appropriate expertise to draft and develop the Neighbourhood Plan.
2. The Steering Group followed the steps set out by “Locality” which led to a Referendum on 27 June 2019. The majority of the 21% turnout voted in favour of the plan at referendum. The plan was adopted on 8 July 2019 and then “made” by Rother District Council.
3. With the plan in force for 5 years, Rye Town Council initiated a review in late 2023. The process was documented on the Rye Town Council website:  
<https://ryetowncouncil.gov.uk/planning/rye-neighbourhood-plan/>
4. The reviewed plan (dated 22 September 2024) was agreed by Rye Town Council on 14 October 2024 and was put to pre submission consultation (Regulation 14) from 15 October to 26 November 2024. The approach was to show all changes in a “red Ink” version for ease of reference. On page 1, the statement made clear that the *“context and the thrust of the policies remain relevant and applicable today”*. On conclusion, the representations were considered and, where appropriate, reflected in the next version of the plan (dated 31 December 2024).
5. On 14 January 2025, Rye Town Council submitted its reviewed plan and supporting papers to Rother District Council. The latter then carried out the Regulation 16 Consultation of the submitted version, from 24 January to 7 March 2025.
6. The approach to identify the modifications was as for Regulation 14: to show in red ink for ease of identification. On page 1, the text summarised the review and emphasised that the *“context and the thrust of the policies remain relevant and applicable today”*.
7. Following the identification of an Examiner, the Regulation 16 version, with the representations received during period 24 January to 7 March 2025, was submitted by Rother District Council for examination.
8. The Regulation 17 examination process began in early-April. On the 25 April 25, the examiner posed preliminary questions to Rother District Council (RDC), relating to whether a “Modification Statement” of “statement had been provided in the format set out in legislation. A Modification Statement sets out all the changes proposed to be made to a Neighbourhood Plan through a Plan Review.

## 9. The Examiner asked:

“Q1: Has the Town Council produced the required statement in respect of its submission to Rother District Council as required by Regulation 15(1)(f) which requires the submission of the same statement to accompany its modification proposal's submission to the local planning authority?”

Q2: Is Rother District Council satisfied that the Town Council, at Pre- Submission consultation stage complied with the requirements of Regulation 14 (a)(v) of the Neighbourhood Planning (General) Regulations 2012, as amended by the Neighbourhood Planning (General) and Development Management Procedures (Amendment) Regulations 2017. This is, in respect of a modification proposal at its pre submission consultation and publicity stage, a requirement for

*“a statement setting out whether or not the qualifying body considers the modifications contained in the modifications are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for such for why the qualifying body is of the opinion”.*

I have now seen the Reg 14 version of the plan and I did not see the Modification Statement within that document.

Q3: Has Rother District Council prepared its submission pursuant to Regulation 17(e) of the Neighbourhood Planning Regulations 2012 as amended which is almost identical to the above?”

10. Prior to its response to the Examiner, Rother Planners took legal advice on the issues. Considering this advice, Rother Planners determined that unfortunately, the Modification Statement had not been provided in the prescribed format. Responding to the Examiner, Rother Planners took the view that the Rye submission had not met the legislative requirements, particularly in Paragraphs 6(2) c) and d) of schedule A2 of the Town and Country Planning Act 1990.

11. The Examiner gave the opinion that Rye Town Council should withdraw the reviewed version and repeat the Regulation 14 consultation **with the required modification statement**. Both the Examiner's preliminary questions, his interim conclusions and final points are linked to the Rye Neighbourhood Plan page of the Rye Town Council website.

12. Rye Town Council then withdrew the reviewed plan from examination and drafted this Modification Statement. It then proceeded to manage a fresh public consultation (“Regulation 14”) on the Neighbourhood Plan, together with the newly produced modification statement.

13. Rother Planners subsequently advised that **it is unfortunate that the failure to provide the required statement of modification by Rye was overlooked by the LPA during all the earlier public consultations, this was due to an information gap, now rectified. They further advise that:**

**“It is important to note that there have been no additional changes to the Neighbourhood Plan, compared to the version that was last consulted on in Autumn 2024. The only difference is the inclusion of the Modification Statement. Readers were advised that:**

**If you provided comments to either of the previous public consultations on the neighbourhood plan review you do not need to re-submit them. All comments received to the first consultation (15 October – 26 November 2024) have been considered, and all those received to the second consultation (24 January – 7 March 2025) will be taken into account during the examination.”**

14. Below, to comply with the pre-submission consultation stage requirements of Regulation 14 (a)(v) of the Neighbourhood Planning (General) Regulations 2012, as amended by the Neighbourhood Planning (General) and Development Management Procedures (Amendment) Regulations 2017, Rye Town Council makes a Modification Statement. To compliment this statement, two copies of the reviewed plan are provided: a red ink version to enable readers to cross-refer and a final version.

## **Rye Neighbourhood Plan – Modification Statement**

### **What has changed from the (Made) Rye Neighbourhood Neighbourhood Plan?**

Below is a summary of the modifications proposed to the Introduction, Vision, Objectives and Policy, resulting from the review of the (Made) Rye Neighbourhood (Development) Plan (dated 8 July 2019), in accordance with the Planning Practice Guidance, reviewed in 2020. The Modification Statement reflects the qualifying body’s view that the modifications are minor or material but do not change the nature of the plan.

Of the three categories of modification explained below, **all the proposals in the reviewed Rye Neighbourhood Plan are considered to fall into the first two categories:**

**(1) Minor (non-material) modifications to a neighbourhood plan** or order 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.

**(2) 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.

**(3) 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.

Rye Town Council as the Qualifying Body, considers the modifications outlined below are NOT so significant or substantial as to change the nature of the (Made) Rye Neighbourhood (Development) Plan (Jul 2019), because the opinion of the Qualifying Body is that by its assessment, as indicated in the table below, the modifications are in two lower impact categories:

- (1) Minor (non-material) modifications to a neighbourhood plan;**
- (2) Material modifications which do not change the nature of the plan.**

The proposed modifications to the Rye Neighbourhood Plan are summarised below.

<b>RNP Sections</b>	<b>Modification</b>	<b>Modification Category</b>
Introduction Pages 1, 2 and 3	Introductory remarks modified to reflect the latest modifications  New dates 2021 to 2036 Provided by the Examiner	(1)
P4 - Versions	Updated to reflect work Sep 24 to Apr 25	(1)
P5 – Summary	Updated to reflect review	(1)
P6 and 7	Updated to reflect modifications in the document	(1)
P8 to P16	Updated to reflect background, related studies and change in the emerging draft Rother Local Plan	(1)
<b>Section 2: Vision and Objectives</b>		
P17, Para 2.1	The Consultation Document has been updated.	(1)
P17-18, Para 2.3	Modifications have been made to meet Rye's aspirations and reflect the emerging draft Rother Local Plan which provides a refreshed vision for Rye linked to the draft's two important overall	(2)

	priorities: “Green to the Core” and “Live well Locally”.	
P19	Modifications have been made to reflect Rye’s aspirations and the emerging Draft Rother Local Plan: Vision for Rye and strategic objectives as they apply to Rye.	(2)
P20	The Strategic Objective has been modified to reflect Rye’s aspirations and the latest Rother priorities.	(2)
P21, Objective 4	Modified to reflect Rye’s aspirations and the Rother DC priorities for “living well locally”.	(2)
P22,	Objective 5: This is a new objective. The modification meets Rye’s aspiration to place greater emphasis on climate change mitigation and adaption, which also chime with the policies of the emerging draft Rother Local Plan.	(2)
<b>Section 3 – The Character of Rye</b>		
P23, Para 3.2 to 3.4	Modifications emphasise Rye as a key service centre in Eastern Rother.	(1)
P24	Modification incorporates the evolving Rother structure which reflects Rye and its cluster of villages and better describes what is also known as “Rural Rother”.	(1)

<b>Section 4 – The Planning Policies</b>		
P27 and P28	Modifications reflect the considerable geographic and environmental constraints on development in Rye and the revised indicative target numbers to better reflect the emerging Draft Rother Local Plan and the latest proposals including for smaller windfall sites.	(2)
P29, Policy H1	Modifications reflect a reassessment of housing numbers (in conjunction with Rother Planners) by allocated sites, with the aim of increasing density to meet the perceived raised targets in the emerging Rother Draft Local Plan. However, the site identification remains as for the (Made) Rye Neighbourhood Plan (July 2019).	(2)
P30 and 31, Housing Mix	Modifications include a reflection of the rising number of second homes in Rye and the impact of poor availability for low paid workers in the hospitality and service sector. Modifications reflect greater emphasis on the need for affordable homes and windfall developments.	(1)
P33, Policy H3	Editorial changes and modifications to emphasise the need for flood resilience.	(1)
P34 and P35 – Policy H4	Editorial changes and modifications to reflect the	(1)

	new King Charles III English Coastal Path, the need for flood resilience and for access to utility infrastructure.	
P36 and 37, Policy H5	Modifications reflect the need for quality design; flood resilience and for access to utility infrastructure; the new King Charles III English Coastal Path,	(1)
P40, Policy H6	Modifications reflect the need for improved flood resilience and for access to utility infrastructure.	(2)
P41, Para 4.17 and P41: Policy H7	<p>Modifications reflect changes to background facts; a subdivision of the site into its three elements; increased housing density; the need for improved flood resilience and for access to utility infrastructure.</p> <p>H7 comprises three elements: the former school, a green space and a former swimming pool. A modification is that many in the community consider that it is desirable that all or part of the first (the former school building) should be retained for community use.</p> <p>Site B3, contiguous with H7, in 2019, was allocated for an additional petrol station but with the move to electric vehicles, this has been modified for mixed use with the</p>	(1)

	agreement of RDC Planners.	
P43 and 44: Policy H8	Editorial changes and modifications reflect the need for improved flood resilience and for access to utility infrastructure.	(2)
P45 and 47	Modifications reflect the need for quality and sustainable design, with a sense of place, within the three zones identified in the plan.	(2)
P48, Policy D1	Modifications reflect the need for design reflecting quality, sustainability and heritage.	(2)
P49 to 52	Modifications reflect greater emphasis on the need to mitigate flood risk.	(2)
P53, 54 and 55, Paras 4.39 and 4.41	Modifications emphasise the mitigation of increased flood risk because of climate change and the related risk of land instability.	(2)
P56 and 57, Policy F1	Modifications emphasise flood risk mitigation, the related risks of land instability and impact on mental health.	(2)
P59, Para 4.49 and 4.50	Modification sets guidelines for change of use.	(1)
P60, Policy B1	Modification emphasises health requirements and the potential adverse impact of businesses proposed in residential areas.	(1)
P62 and P63: Policy B3	Modification reallocates B3 site from petrol station to mixed use.	(2)

P64, 65, 66, 67 and Policy T1	Modification addresses various transport and access issues.	(1)
P71, Para 4.65, P72, Paras 4.71, 4.72 and Policy I1	Modifications address various utility and infrastructure measures, including additional sites of community value.	(1)
P74, 75 and 76, Para 4.73, 4.74, 4.79	Modifications reinforce the need to retain protections of environmental assets surrounding Rye, including the new concept of Biodiversity Net Gain.	(2)
P79, 80, 81 and 82 and Policy E1	Modifications reinforce the need for a strategic gap - on land which is of high flood risk, of environmental and biodiversity importance - to prevent coalescence of Rye and Rye Harbour and conserve the unique character of Rye.	(2)
P84, P85 P86 and Policy E2	Modifications emphasise the need for improved “green infrastructure”, including two allotments and a community garden, and the need for more planting.	(1)
P90: Policy E3	Modification emphasises the health benefits of protecting the historic environment.	(1)
P92, 93 and Policy E4	Modifications emphasise the need for renewable energy measures, including EVCPs, solar power and a consideration of the health benefits of tackling climate change.	(2)
<b>Section 5: Community Aspirations</b>  P94 to P113	Modifications update the community aspirations which do not affect core plan policy	N/A

Appendix A: Contributions	Modifications update contributions to the work	N/A
Global Modifications	<p>There are some global changes made throughout the Plan that are not listed separately, such as:</p> <p>High Weald Area of Outstanding Natural Beauty (AONB) has become High Weald National Landscape (HWNL)</p> <p>“Wheeling” is now included as “walking, wheeling and cycling”.</p> <p>In the context of the neighbourhood plan and Gov.UK guidance, the words "shall," "will," and "should" all have distinct meanings in conveying different levels of obligation and expectation. "Shall" implies a mandatory requirement, "will" indicates a future action or intention, and "should" suggests a recommended or desirable course of action.</p>	(1)

Anthony Kimber PhD

Rye Neighbourhood Plan Coordinator

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