

Neighbourhood *Planning*



Reviewing and modifying a made neighbourhood plan

A guidance note for neighbourhood plan groups in Cheshire West and Chester

1. Introduction

Reviewing your plan

- 1.1 To keep your neighbourhood plan relevant and up to date, it is important to review it periodically. There is no set guidance on how often plans should be reviewed, although some neighbourhood plans do specify regular review points, commonly every five years. A neighbourhood plan must generally conform with higher level planning policies in the Local Plan, so when there is a change to the Local Plan, particularly the Local Plan (Part One), it will be a good idea to review the neighbourhood plan.
- 1.2 Any review of a plan should take account of how well it is working in practice. Looking at decisions on planning applications in your area since the plan has been in place should give an idea of which policies have been used often and whether there are any policies that have not worked so well and would benefit from being improved. There may be topics that were not initially included that you would like to put into the plan, or you may wish to reflect changes in national planning policy or the Local Plan. It may be that having reviewed the plan you decide that it is working well and no changes are required at the current time.
- 1.3 Please contact the CWaC Planning Policy team if you would like any advice on monitoring or reviewing your plan. You can also look at a useful article from Planning Aid at http://www.ourneighbourhoodplanning.org.uk/news/2017/10/03/Successful_referendum_What_next_Advice_on_monitoring_neighbourhood_plans
- 1.4 If, having reviewed your plan, you decide that you do wish to make changes, the Neighbourhood Planning Act 2017 now allows you to do so. This note provides information about how to go about modifying a plan and the procedure that needs to be followed. If you do wish to make changes, please get in touch with the Planning Policy team at an early stage. This will help us to support you and make sure that the process is as smooth as possible.

2. Making very minor changes to a made neighbourhood plan

- 2.1 Very minor changes, for example to correct an error, can be made by CWaC as the local planning authority (LPA) at any time with the agreement of the qualifying body

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(parish/town council or neighbourhood forum). Consultation, examination and referendum are not required.

2.2 This only applies to changes (modifications) which do not alter the meaning of policies in the plan, such as:

- updating lists of environmental assets,
- correcting mapping or typographical errors,
- updating references to other documents or organisations.

3. Making more significant changes to a made neighbourhood plan

3.1 If more significant changes are proposed, for example changing, adding or deleting policies or allocations, or changing the neighbourhood area, then you will need to repeat most of the same stages as when the plan was initially prepared. Any amendments to the plan will need to be supported by up to date evidence and you will need to consult with the local community, statutory consultees and any other organisations or individuals who would be affected by the change. The modified plan will need to be submitted to CWaC and subject to independent examination.

3.2 The legislation sets out a key test for modifying a neighbourhood plan, which dictates the procedure which must be followed. If proposed changes to the plan would be so significant as to '**change the nature**' of the original plan, then the procedure to be followed is the same as preparing a new plan, through the submission, examination and referendum stages. If the modifications are less significant and would not change the nature of the plan, then a simpler procedure can be followed which involves a more limited examination and does not require a referendum. This procedure is explained below.

3.3 Ultimately, the decision as to whether the proposed modifications would change the nature of the plan is a judgement for the examiner to make, although the qualifying body and LPA are required to make statements expressing their views about it. Purely as a guide, alterations which **are unlikely to change the nature of the plan** include:

- small changes to the neighbourhood area;
- adding further detail or clarification to existing policies;
- adding further design guidance to a plan which already includes policies on design; and
- adding additional small scale allocations to a plan which already includes land allocations.

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Modifications which **are likely to change the nature of a plan** include:

- including new policy areas on subjects which were not previously covered;
- including land allocations in a plan which did not previously allocate sites;
- including any large scale/major development allocations to a plan; and
- significant changes to the neighbourhood area.

3.4 Guidance on the procedure for making changes (other than for very minor changes as described in section 2 above) is provided below.

4. Procedure for modifying a neighbourhood plan

4.1 The steps for modifying a plan (including changing a neighbourhood area) are set out below and summarised on the flow chart in Appendix 1.

- At an early stage, contact the Planning Policy team to discuss the scope of the changes you are thinking about. Any changes to the plan need to be supported by up to date evidence and should take account of current national and local planning policy. Background evidence should be proportionate and should concentrate on those topics/policies of the plan which are being changed.
- The NP group must consult on the proposed changes for six weeks (regulation 14 consultation). In the same way as when the neighbourhood plan was originally prepared, statutory consultees must be notified along with other organisations, businesses and residents who may be affected.
- The consultation must include a statement with the qualifying body's view about whether the modifications change the nature of the plan, with reasons.
- The Planning Policy team may need to update the Strategic Environmental Assessment (SEA) screening which was done for the original proposed plan, and consult with the statutory environmental bodies (Historic England, Environment Agency and Natural England; and where relevant Natural Resources Wales and Cadw).
- Following the six weeks' consultation, the NP steering group need to review the comments made and make amendments the plan if appropriate.

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- The revised plan can then be submitted to the local planning authority (regulation 15 stage). The documents to be submitted are:
 - a) The draft revised neighbourhood development plan;
 - b) An updated Basic Conditions statement and consultation statement;
 - c) A statement containing a summary of the changes and the reasons for making them. This should again include the qualifying body's view as to whether the proposals would change the nature of the plan, with reasons.
 - d) Strategic Environmental Assessment (SEA) screening statement (CWaC will provide this).
- The LPA will publicise the plan for six weeks (regulation 16 stage), in the same way as for the original plan. An independent examiner will be appointed with the agreement of the qualifying body.
- At this stage the LPA must also decide if the modifications would change the nature of the original plan and give reasons. This must be sent to the examiner, alongside the other submitted documents and a copy of the original plan.
(Please note that working with the Planning Policy team through the previous stages should help avoid any differences in opinion between the qualifying body and CWaC at this stage).
- The examiner will make the final decision about whether the proposed modifications are so significant or substantial that they change the nature of the plan. The examiner must notify the LPA and qualifying body of their decision, with reasons.
- If the examiner decides that the modifications do change the nature of the plan, then the examination will be the same as for a completely new plan and a referendum will be required. The qualifying body can decide at this point to withdraw the plan if they wish.
- If the examiner decides that the modifications do not change the nature of the plan then the simpler examination process will be followed.

Simpler examination process

- In the simpler examination process, the examiner will assess whether the draft plan meets the basic conditions and other legal requirements. Usually the examination will

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be conducted through written representations although the examiner may decide that a hearing is needed.

- The examiner will then prepare a report, which can recommend either:
 - a) that the local planning authority should make the draft plan; or
 - b) that the local planning authority should make the draft plan with modifications;
or
 - c) that the local planning authority should not make the draft plan.
- The examiner can only recommend modifications if they are needed to ensure that the plan meets the basic conditions, to meet other legislative requirements or to correct errors.
- The report will be sent to the qualifying body and the LPA, who will arrange to publish it. The LPA must follow the examiner's recommendations and make the plan, with modifications if required, within five weeks of receiving the examiner's report, or at a later date if agreed in writing with the qualifying body.
- There is no requirement for a referendum in this case.

Appendix 1 – procedure for modifying a neighbourhood plan (flow chart)

