



FAO Paul Dodgson
West Horsley Village Hall
95 The Street
West Horsley
Surrey
KT24 6DD

29/10/2018

Response to query concerning making modifications to the Neighbourhood Plan

Dear Paul,

Please accept this letter in response to your query as to whether the Parish Council could modify the West Horsley Neighbourhood Plan following the adoption, or withdrawal, or the Submission Local Plan.

The Neighbourhood Planning Act (2017) introduced modifications to the relevant legislation to clarify that the Qualifying Body (West Horsley Parish Council in this case) could submit a modification proposal to amend a Neighbourhood Plan. The Act also established the procedure through which this may be achieved, which I have summarised below.

A Qualifying Body may submit a modification proposal to the Local Planning Authority at any time. The Act requires different procedures for the submission of the proposal depending on the significance of the proposed modifications to the *nature* of the plan.

Minor (non-material) updates to a neighbourhood plan that would not materially affect the policies in the plan may be made by the Local Planning Authority at any time with the consent of the qualifying body. This covers factual updates, typographical errors, updates to the non-statutory parts of the document (for example, the foreword), etc. In these cases there is no requirement to undertake consultation, examination and referendum.

If a Qualifying Body wishes to make modifications that do materially affect the policies in the plan, they must follow the process as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). In addition, 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 provide reasons for their assessment.

When submitting a modification proposal that would materially affect the policies in the plan, the process to follow is as set out in Regulations 14 and 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). This would be similar to the process you followed when consulting on and submitting the plan previously.

Following the submission of the modification proposal, an Examiner would be instructed to review the proposal and the accompanying documents submitted. The Examiner would determine whether the modified plan would meet the Basic Conditions with the amendments made, whether further amendments would be required for the plan to meet the Basic Conditions, and whether the proposed modification is so substantial as to require a referendum before the plan may be adopted.

Where material modifications are proposed that do not change the *nature* of the plan (and the examiner finds that the proposal meets the basic conditions, or would with further modifications) a referendum would not be required.

From my current understanding of your proposals, my view is that the proposed modifications would likely be considered significant, so would require a pre-submission consultation and an examination, but would likely not be considered to constitute a change to the *nature* of the plan and should therefore be unlikely to require a referendum.

There is a general expectation that neighbourhood plans should be updated when Local Plans are adopted, or if the policy context surrounding a neighbourhood plan changes e.g. because of a change in national policy or perhaps where an emerging Local Plan with which a neighbourhood plan has been aligned is withdrawn. This ensures that neighbourhood plans remain up-to-date. The recent changes to legislation aim to streamline the process of updating a neighbourhood plan (e.g. by removing the need for referendum in some cases) and appear to have been made to specifically to encourage neighbourhood plans to be reviewed where necessary.

I hope that the above helps to set out the procedures involved in the modification of a neighbourhood plan. Should you have any questions, please do not hesitate to contact me.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'D. Nunn', with a long horizontal flourish extending to the right.

Daniel Nunn

Planning Policy Officer
Telephone: 01483 444 671
Guildford Borough Council
Millmead House
Guildford
Surrey GU2 4BB

