

LOCALITY: REVISING A NEIGHBOURHOOD PLAN

Statutory process - options

Where a neighbourhood plan is proposed to be revised, there are certain options in terms of statutory process, depending on the extent of that revision.

Minor (non-material) updates that would not materially affect policies may be made by the LPA, with consent from the neighbourhood planning group. In these circumstances, there is no need to repeat Regulation 14 consultation, examination and the referendum. Similar provisions exist for correcting errors in a plan, though this will probably have been done already, as part of the examination process.

If a group wish to make modifications that do materially affect the policies in the neighbourhood plan, the plan would need to go through the later stages of the statutory process, from pre-submission consultation (Regulation 14) onwards, although a referendum may not be required (this is explained later in this section).

If updates are proposed by a group that would materially affect policies, there are certain additional requirements. These are:

- at the Regulation 14 consultation stage (pre-submission) the group must state whether it believes that the modifications are so significant or substantial as to change the nature of the plan, giving reasons;
- when sending the plan to the independent examiner, the LPA must state whether it believes that the modifications are so significant or substantial as to change the nature of the plan, giving reasons. A copy of the original plan must also be submitted to the independent examiner;
- the examiner will then decide whether the modifications proposed change the nature of the plan and the group must decide whether to proceed with the examination.

A referendum is not required if an examiner decides that the modifications are not so significant or substantial as to change the nature of the plan and would meet the basic conditions (with modifications if necessary). In this circumstance, an LPA must make the plan within 5 weeks of receiving the examiner's report (or as agreed with the group).

However, if the examiner finds that proposed modifications do change the nature of the plan, the LPA would need to publicise and consider the examiner's report in the same way as for a new neighbourhood plan and a referendum would be required.