

Bishop's Stortford Neighbourhood Plan for Silverleys and Meads (1st Revision)
Modification Statement under Regulation 17(e)(ii) of the Neighbourhood Planning
(General) Regulations 2012 (as amended)

National Planning Guidance¹ explains that there are 3 types of modification which can be made to a neighbourhood plan. The process will depend on the degree of change which the modification involves:

1. Minor (non-material) modifications, which do not materially affect the policies in the plan, so do not require an examination or 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. The example given of a material modification which changes that nature of the plan is allocating significant new sites for development.

The Council notes that there is only limited guidance available on the criteria for determining the answer to this question and that ultimately, the matter is a decision for the Independent Examiner.

Regulation 17(e)(ii) of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the relevant local planning authority to submit to the examiner '*a statement setting out whether or not the authority consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the authority is of this opinion.*' This statement fulfils that purpose.

The main modifications to the Neighbourhood Plan are outlined below:

- A new site specific policy relating to Old River Lane, reflecting its allocation for mixed-use development (BISH8) in the East Herts District Plan (2018).
- The addition of a number of new local green spaces and removal of any local green spaces which are designated as such in the East Herts District Plan (2018).
- Addition of policies to address climate change, including a requirement that new development seeks to achieve net zero carbon emissions; support for small-scale energy production schemes and measures to support adaption to the impacts of climate change.

¹ NPPG Neighbourhood Planning Paragraph 106 (Reference ID: 41-106-20190509)

- Modifications to the Green infrastructure policies, to strengthen the provision of green infrastructure in new development and requirements to protect biodiversity.
- Modifications to the transport policies, to add detail about the content and timing of transport assessments for new development; new requirements to assess the transport impact of new developments on residential amenity; and updates to sustainable transport and parking policies in light of the adoption of the District Plan (2018) and other policy updates.
- Modification to policies relating to education provision and new development.
- Minor modifications in other areas, for example design, housing mix and the town centre, to bring them up to date and align them with very similar policies in the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and parts of Thorley.

As a whole these modifications materially affect the policies in the plan. However, it is not considered that they change the nature of the plan. The Plan's objectives continue to focus on delivering sustainable development in the town: encouraging high quality development which meets the needs of the community; promoting economic prosperity and protecting and enhancing the natural and historic environment. There are no significant new sites allocated for development. The purpose of the modifications is to update the policies from 2015, in light of the adoption of the District Plan (including the allocation of Old River Lane for mixed use development) and changes to national and local policy and strategy.

In conclusion, the Council agree with Bishop's Stortford Town Council that the modifications fall into the category of material modifications that do not change the nature of the plan, so would require an examination but not a referendum.