

# REGULATION 14 – MODIFICATION PROPOSAL (PLAN REVIEW) ADVICE NOTE AND CHECKLIST

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## Context

Regulation 14 Consultation is the first formal stage of consultation on your NDP. It is a six-week period of consultation which is undertaken by the NDP’s qualifying body, the Parish or Town Council – though in Parishes the Steering Groups are often very actively involved in this process.

In the preparation for - and during - Regulation 14, care must be taken to ensure adherence to the “Neighbourhood Planning (General) Regulations 2012 (as amended)”<sup>1</sup>, as any procedural errors may undermine the plan-making process.

This toolkit has been prepared by Place Studio to provide guidance through the process of preparing for and holding Regulation 14 consultation. It is provided as guidance only in order to reduce the chances of any errors. We also recommend contacting your link officer, and the Neighbourhood Planning Manager in Wiltshire, once the consultation period is known to confirm that the consultation will be going ahead and to request feedback on material that is being prepared as part of this Consultation stage.

*When reviewing a plan, there are a few things to be aware of at the Regulation 14 stage – the Regulations were amended to introduce Plan Review (or Modification Proposals as it is termed in the Neighbourhood Planning (General) Regulations 2012 (as amended)).*

## Requirements for Regulation 14 Pre-Submission Consultation for a Modification Proposal

The qualifying body must publicise the six week\* consultation period in a way that is likely to bring to the attention of people who live, work or carry out business in the area details of:

- **The modification proposals (i.e. the draft reviewed NDP and its supporting material).**
- **Where and how the information can be accessed.**
- **The start and closing dates of the consultation.**
- **How to make representations.**

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<sup>1</sup> <https://www.legislation.gov.uk/ukxi/2012/637/regulation/14>

- In relation to a modification proposal, a statement setting out whether or not the qualifying body 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 qualifying body is of this opinion;

*\* 6 weeks is usually best extended to 8 weeks if the consultation takes place over a major holiday period – Christmas, Easter, summer.*

**A number of Statutory Consultees named in the Regulations, and the Local Planning Authority (LPA), must also be consulted.**

This advice note gives an overview of the process, with some key text to adapt in preparation for, and during, your Regulation 14 process. It is a very structured and formal process but it is absolutely essential that the procedure is followed in order to avoid having to repeat it or to lay yourselves open to challenge. Place Studio stresses that this Note is for guidance, and we advise the qualifying body and Steering Group to check key all aspects of the process with a Neighbourhood Planning or designated link Officer in their LPA.

Undertaking this task requires compliance, at various stages, with GDPR legislation. This must be treated with care.

## **Regulation 14 Consultation Overview and Checklist**

### **Task 1A – Plan and Agree Consultation Period**

<b>Overview of Task 1</b>	<b>Notes</b>	<b>Checklist – tick when complete</b>
Plan and agree when the six (minimum) week Regulation 14 consultation will take place.	Before consultation begins, the qualifying body/SG must agree the Draft Plan, supporting evidence reports and Consultation Statement.	<input type="checkbox"/> Are all parts of the Regulation 14 material agreed by the qualifying body? <input type="checkbox"/> Is the timing of the consultation period agreed? <input type="checkbox"/> Have you contacted the Local Authority to give them notice of the planned Reg 14 period?

***NB. Tasks 2A to 2D are not sequential; all need to be prepared and managed together.***

***All emails/letters must be seen to come from the qualifying body (as ‘headed paper’) even if material is produced by a Steering Group.***

## Task 2A - Setting Up: Prepare Feedback Forms

Overview of Task 2A	Notes	Checklist – tick when complete
<p><b>Feedback Forms</b> All those being invited to comment must be supplied with a Feedback Form in order to easily comment on parts of the NDP, and to enable you to keep a clear record of comments and contact details of respondents.</p> <p><b><i>An example template feedback form has been prepared and will be made available with this toolkit.</i></b></p>	<p>Use of a survey tool such as google forms / MS forms / Survey Monkey is recommended. This will make collection and analysis of the feedback easier. This should be the preferred method response and made clear in communications about feedback. Use the questions in the example template feedback form Place Studio send to build this.</p> <p>A hardcopy comment form should also be made available for people who would prefer to handwrite comments. Hard copies of the form must be printed and be available alongside access to physical copies of the plan material.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Have you used the example template feedback form and adapted it to your Neighbourhood Plan?</li> <li><input type="checkbox"/> Have you set up and tested your online survey tool (if relevant)?</li> <li><input type="checkbox"/> Have you prepared a hard copy version and made printed ones available in a few locations (or made clear where people can get one)?</li> </ul>

## Task 2B – Setting Up: Publicising Generally (See 2C for Statutory Consultees)

Overview of Task 2B	Notes	Checklist – tick when complete
<p>Publicising the opportunity to comment should include details of:</p> <ul style="list-style-type: none"> <li>● the proposals (i.e. the draft NDP and all other material);</li> <li>● where and how the information can be accessed;</li> <li>● the start and closing dates of the consultation;</li> <li>● how to make representations (comments)</li> <li>● (PS. It is sensible to allow a few days over the finish date.)</li> </ul>	<p>This should be done:</p> <ul style="list-style-type: none"> <li>● with a press release;</li> <li>● on the qualifying body’s website;</li> <li>● with posters on local notice boards; in public places (shops, pubs etc.);</li> <li>● consider also a leaflet or newsletter to all.</li> </ul> <p>It is important to make clear where hard copies are available.</p> <p>Consider holding broader consultation activities (e.g. drop in sessions, stalls at parish events etc).</p>	<p>When publicising Regulation 14 Consultation on the qualifying body’s website, have you:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Uploaded the complete draft updated Neighbourhood Plan (modification proposal) and Modification Statement together with any supporting material for all to access?</li> <li><input type="checkbox"/> Stated clearly the dates of the consultation?</li> <li><input type="checkbox"/> Stated how to make comments, and the deadline by which they have to be made?</li> <li><input type="checkbox"/> Printed a few hard copies of the NDP?</li> </ul>

Overview of Task 2B	Notes	Checklist – tick when complete
	<p>Using a range of methods will mean you reach the most people.</p> <p>You should also write to everyone on the NDP’s database of contacts (including landowners of affected land, notably Local Green Spaces).</p> <p>Invite comments on the draft NDP, and agree a return address for electronic and written comments.</p> <p><b><i>See later for Example Material</i></b></p>	<p>When publicising Regulation 14 Consultation with leaflets, press releases, posters etc., and when writing to those on the NDP’s contact database, have you:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Stated where and how the draft NDP and its evidence base can be viewed?</li> <li><input type="checkbox"/> Stated clearly the dates of the consultation?</li> <li><input type="checkbox"/> Stated how to make comments, and the deadline by which they have to be made?</li> <li><input type="checkbox"/> Publicised the consultation in a way that is likely to bring it to the attention of all people who live, work or carry out business in the area?</li> </ul>

### Task 2C – Setting Up: Publicising to Statutory Consultees

Overview of Task 2C	Notes	Checklist – tick when complete
<p>Contact your LPA link officer or Neighbourhood Planning Officer to confirm the process for this in your area. Some LPAs will coordinate contacting the statutory consultees for you. In most other areas the qualifying body is responsible for contacting each statutory consultee.</p> <p><b>It will be important to confirm the process, and list of statutory consultees with your local authority before the start of the Regulation 14 consultation.</b></p> <p>The Regulations state that the Parish Council must consult:</p>	<p>If the qualifying body is responsible for contacting each Statutory Consultee (confirm with your link officer), the LPA will provide a locally specific list of Statutory Consultees (see left for national list as set out in the Regulations).</p> <p>There are local variations that will need to be taken into account when compiling the statutory list for your Neighbourhood Plan area.</p> <p>You are normally required to consult with the Environment Agency, Natural England and Historic England regardless of the location of your area. This is because any proposals are likely to affect water courses or the land in some way.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Have you checked the process and list of consultees in your area with the LPA?</li> </ul> <p>If the qualifying body is required to contact each Statutory Consultee, in the correspondence (letter or email) to each statutory consultee, have you:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Stated where and how the draft NDP and its evidence base can be viewed?</li> <li><input type="checkbox"/> Stated clearly the dates of the consultation?</li> </ul>

Overview of Task 2C	Notes	Checklist – tick when complete
<ul style="list-style-type: none"> <li>• A LPA, county council or parish council any part of whose area is in or adjoins the area of the LPA</li> <li>• The Coal Authority</li> <li>• The Homes and Communities Agency</li> <li>• Natural England</li> <li>• The Environment Agency</li> <li>• Historic England</li> <li>• Network Rail Infrastructure Limited</li> <li>• The Highways Agency</li> <li>• (Where relevant) The Marine Management Organisation</li> <li>• Any person to whom the electronic communications code applies, or who owns or controls electronic communications apparatus situated in any part of the area of the LPA</li> <li>• Where they exist: a Primary Care Trust, licensee under the Electricity Act 1989, Licensee of the Gas Act 1986, sewerage undertaker and water undertaker.</li> </ul>	<p>If you designated area is in or close to an AONB, National Park, other formally designated area, or a town with a Civic Society, you will also need to consult with these organisations.</p> <p>If you have an active or disused railway line or station within your Neighbourhood Area, then you will need to consult with Network Rail and local train service providers.</p> <p>You also have a statutory responsibility to consult with any adjoining Town/Parish Council or Local Authority if any part of their area is in or adjoins the boundary of your Neighbourhood Area.</p> <p>Keep a copy of <u>all</u> correspondence with your LPA.</p> <p><b><i>See later for Example material</i></b></p>	<p><input type="checkbox"/> Stated how to make comments, and the deadline by which they have to be made?</p> <p>If the LPA requires a consultee list for the next stage consultation:</p> <p><input type="checkbox"/> Have you populated the LPA’s template of Regulation 14 consultees to enable them to contact the same consultees during the Regulation 16 consultation?</p>

### Task 2D – Setting Up: Documents to the LPA (if not done already)

Overview of Task 2D	Notes	Checklist – tick when complete
<p>Notify the LPA and send them a copy of all the NDP material (if not done already).</p>	<p>The Regulations require a copy of the plan, evidence base and other material to be sent to the LPA. Task 2C Text can be adapted for this stage.</p> <p><b>Check with your LPA – do they require a copy of the Neighbourhood Plan and associated material to be sent directly to them (via email or web transfer), or are they happy to be notified and emailed a link to your website (with the NDP and all evidence uploaded)?</b></p>	<p><input type="checkbox"/> Have you checked with the LPA how they need to receive the NDP material?</p> <p><input type="checkbox"/> Have you prepared communications to send a copy of the NDP and its associated evidence to the LPA?</p>

		<ul style="list-style-type: none"><li><input type="checkbox"/> Have you clearly stated the dates of the Regulation 14 consultation?</li><li><input type="checkbox"/> Have you stated how to make comments, and the deadline by which they have to be made?</li></ul>
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***At this point everything to be sent out will be ready. It must be sent in order to be received before the start date of the consultation.***

*The next task - Task 3A - can be onerous if left to the end of the consultation period, so we suggest that the process should be set up in advance and responses recorded as they come in on a regular basis.*

### Task 3A – Recording Comments

Overview of Task 3A	Notes	Checklist
<p>Receive and record Regulation 14 Consultation comments.</p> <p>Keep a copy of all correspondence with the LPA, statutory consultees and any others who respond in ways additional to the Feedback Form. LPAs are not likely to use a feedback form.</p> <p>NB – we suggest that agents must be asked to respond via the feedback form (they can also submit a letter if they wish, as they often do).</p>	<p>Many of the comments received should be logged via the online survey tool you used. Information from google sheets for example, can be downloaded into an excel spreadsheet.</p> <p>All other comments will need to be recorded in a spreadsheet. If someone comments on several aspects, use a separate row and number for each comment and make sure it is clear which aspect of the plan they are referring to.</p> <p><b><i>See later for Example Other Comment Recording Form</i></b></p>	<p><input type="checkbox"/> Have you set up a system for recording comments that do not come in via the online survey?</p>

*With all comments in and recorded, the final two tasks are about your responses to comments made and producing a summary report of the whole process.*

## Task 4A: Considering Comments and Agreeing Responses

Overview of Task 4A	Notes	Checklist – tick when complete
Consider and make amendments needed to the Neighbourhood Plan in response to comments made during Regulation 14 consultation.	<p>After Regulation 14 closes and comments are recorded, the NDP group should consider all comments made, and where appropriate make amendments to the NDP.</p> <p>Place Studio can help and advise on the nature, appropriateness and wording of suggested responses, not least because these must all be reflected in any related changes to the plan or other material.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Have you agreed and noted your response to all comments made?</li> <li><input type="checkbox"/> Have you amended the Neighbourhood Plan and associated material accordingly?</li> </ul>

## Task 4B – Completing the Consultation Statement

Overview of Task 4B	Notes	Checklist – tick when complete
Details of the Regulation 14 process and its outcomes need to be added into a final version of the Consultation Statement, ready to submit to the LPA at the Submission Stage.	<p>The final Consultation Statement needs to include the following:</p> <ul style="list-style-type: none"> <li>● Copy of general consultee letters.</li> <li>● List of any specific consultees contacted (e.g. landowners).</li> <li>● List of statutory consultees contacted.</li> <li>● Copy of letter to statutory consultees.</li> <li>● Illustrative (blank) Feedback Forms.</li> <li>● Consultation publicity material.</li> <li>● Spreadsheet of consultee comments and qualifying body responses.</li> </ul> <p>Evidence/details from any events (if held) should also be recorded.</p> <p>Keep – strictly for yourselves - the full comments spreadsheet as in 4A above.</p> <p>Then make a copy of the spreadsheet to be used in the Consultation Statement, redacting any details of individual consultees. Just state either ‘individual’ or</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Have you included all necessary details in the Consultation Statement?</li> </ul>



Overview of Task 4B	Notes	Checklist – tick when complete
	name the respondees' organisation (and, if necessary, who they represent).	

***Finally, make a thorough check that the changes in the plan that you suggest in the spreadsheet above (4A) have actually been dealt with in the plan!***

**See over for examples as mentioned above.**

**EXAMPLE FORMS ETC. | *In all cases, replace red text with the appropriate black text***

## **2A. FEEDBACK FORM – see separate file**

## **2B. GENERAL PUBLICISING**

The **Somewhere Parish/Town** Neighbourhood Development Plan

Notice of Regulation 14 Pre-submission Consultation and Publicity on the Draft **PARISH/TOWN** Neighbourhood Plan

**Somewhere Town/Parish** Council has prepared a Draft Neighbourhood Development Plan for the **Somewhere** Neighbourhood Area. The Plan proposes a number of planning policies which, once adopted, must be used in the determination of planning applications within the **parish/town**.

In accordance with The Neighbourhood Plan (General) Regulations 2012, **Somewhere parish / town council** is required to publicise the Draft **Neighbourhood Plan** and invite comments. Copies of the Plan will be available for public inspection for a period of **... weeks** commencing on **Day Date Month Year** and ending at midnight on **Day Date Month Year**.

The Draft Plan will be available for inspection at the following locations: **List as appropriate, for example:**

- **Parish Council Offices – between the hours of 11 a.m. to 10 p.m. – Monday to Saturday and 12 noon to 9.30 p.m. – Sunday.**
- **Local Library and Book Exchange – 24 hours per day.**
- **Local Pub – between the hours of 11 a.m. to 10 p.m. – Monday to Saturday and 12 noon to 9.30 p.m. – Sunday.**

Representations may be made in the following ways: **List as appropriate, for example:**

- **Downloading and completing the comments form from (website) and emailing to: email@address.co.uk**
- **Downloading and completing the comments form from (website) and delivering it in hard copy to: The Parish/Town Clerk, FULL ADDRESS**
- **By attending the consultation event on: Saturday 20.01.19 between 11 a.m. and 1 p.m. at FULL ADDRESS where you can leave comments or pick up a comments form.**

Any person or organisation may comment on the Plan.

All representations must be received by the **Parish/Town** Council no later than midnight on **Day Date Month Year**. All representations will be publicly available (with personal information redacted) and will be considered by the **Parish/Town** Council in producing the final Plan which will then be submitted to **District/County** Council for Independent Examination.

## **2C. PUBLICISING TO STATUTORY CONSULTEES**

Dear **XX**,

### **NOTICE OF REGULATION 14 CONSULTATION ON THE UPDATED **SOMEWHERE** NEIGHBOURHOOD DEVELOPMENT PLAN (MODIFICATION PROPOSAL).**

In accordance with the requirements of Paragraph 1 of schedule 1 of the Neighbourhood Planning (General) Regulations 2012 (as amended), I am writing to let you know that the Updated **Somewhere** Neighbourhood Development Plan (also termed a Modification Proposal) will be out for Regulation 14 Consultation **for a period of X weeks from Day Date Month Year until Day Date Month Year.**

The draft updated Neighbourhood Plan (Modification Proposal) and associated material, including the Modification Statement is available at: **Parish/Town Council website**

A copy of all the material has also been sent to **COUNTY / DISTRICT** Council.

All representations must be received by the **Parish/Town Council** no later than midnight on **XXXXX**. All representations will be publicly available\* and will be considered by the **Parish/Town** Council in producing the final Plan which will then be submitted to **COUNTY / DISTRICT** Council for Regulation 16 consultation and Independent Examination. (\* With personal information redacted). We will share information of who was contacted with **COUNTY / DISTRICT** to enable contact again at the Regulation 16 stage.

Yours sincerely.

**PARISH / TOWN CLERK**

### 3A. EXAMPLE OTHER COMMENT RECORDING FORM

- *If any comments address more than one issue or part of the plan, those comments should be separated.*
- *Contact details to be redacted for version of this chart in the Consultation Statement.*
- *Text in red examples only.*

<b>Comment Number</b>	<b>Name / contact details</b>	<b>Page no. para. no</b>	<b>Comment</b>	<b>Any Proposal from Respondent</b>	<b>Comment from NDP group and proposed solution</b>
1	Planning Consultancy	Page 14, para 6.79	Support this section on the whole. Object to second bullet paragraph 6.79 which reads 'The masterplan to be based on the principle of financial equalisation' as this is not a planning issue.	Omit second bullet of paragraph 6.79	To be retained but its planning status clarified

### Task 4A: Considering Comments and Agreeing Responses

*As also suggested above, this task can often drift into the details of the value of evidence, planning policy phrasing, what is and is not in planning law etc., and therefore need some consultant input. However, it can also raise issues easily dealt with by the SG, in which case these can be added and would then just need a quick check.*

#### Summary of Revisions

<b>Policy</b>	<b>Topic</b>	<b>Summary of Revisions made as a result of pre-submission feedback</b>
P1	Site Allocation	Minor adjustment to wording

#### Feedback Summary

<b>Policy</b>	<b>Topic</b>	<b>Support</b>	<b>Object</b>	<b>Don't know</b>

#### Further Information on Regulation 14 Consultation

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Neighbourhood Planning (General) Regulations 2012 (as amended)

<https://www.legislation.gov.uk/uksi/2012/637/regulation/14> (click on the 'latest version button to the left).

National Planning Policy Guidance

<https://www.gov.uk/guidance/neighbourhood-planning--2#consulting-on-and-publicising-a-neighbourhood-plan-or-order>

PAS Legal Compliance Guide for Neighbourhood Plans - Checklist

<https://www.local.gov.uk/sites/default/files/documents/legal-compliance-guide-pr-dc9.pdf>