

Rye Neighbourhood (Development) Plan Review - Statement of Modifications to the Reviewed Plan dated July 2025. Updated to July 2026

1. In July 2013, Rye Town Council, as the qualifying body, undertook to develop a Neighbourhood Plan under the Localism Act 2011. This Act gave communities (neighbourhoods) the ability to exercise more control over future development in their locality by creating their own neighbourhood development plan. Rye Town Council formed a Neighbourhood Plan Steering Group, comprising Councillors and citizens with appropriate expertise to draft and develop the Neighbourhood Plan.
2. The Steering Group followed the steps set out by “Locality” which led to a Referendum on 27 June 2019. The majority of the 21% turnout voted in favour of the plan at referendum. The plan was adopted on 8 July 2019 and then “made” by Rother District Council.
3. With the plan in force for 5 years, Rye Town Council initiated a review in late 2023. The process was documented on the Rye Town Council website: <https://ryetowncouncil.gov.uk/planning/rye-neighbourhood-plan/>
4. The reviewed plan (dated 22 September 2024) was agreed by Rye Town Council on 14 October 2024 and was put to pre submission consultation (Regulation 14) from 15 October to 26 November 2024. The approach was to show all changes in a “red Ink” version for ease of reference. On page 1, the statement made clear that the *“context and the thrust of the policies remain relevant and applicable today”*. On conclusion, the representations were considered and, where appropriate, reflected in the next version of the plan (dated 31 December 2024).
5. On 14 January 2025, Rye Town Council submitted its reviewed plan and supporting papers to Rother District Council. The latter then carried out the Regulation 16 Consultation of the submitted version, from 24 January to 7 March 2025.
6. The approach to identify the modifications was as for Regulation 14: to show in red ink for ease of identification. On page 1, the text summarised the review and emphasised that the *“context and the thrust of the policies remain relevant and applicable today”*.
7. Following the identification of an Examiner, the Regulation 16 version, with the representations received during period 24 January to 7 March 2025, was submitted by Rother District Council for examination.
8. The Regulation 17 examination process began in early-April. On the 25 April 25, the examiner posed preliminary questions to Rother District Council (RDC), relating to whether a “Modification Statement” of “statement had been provided in the format set out in legislation. A Modification Statement sets out all the changes proposed to be made to a Neighbourhood Plan through a Plan Review.

9. The Examiner asked:

“Q1: Has the Town Council produced the required statement in respect of its submission to Rother District Council as required by Regulation 15(1)(f) which requires the submission of the same statement to accompany its modification proposal's submission to the local planning authority?”

Q2: Is Rother District Council satisfied that the Town Council, at Pre- Submission consultation stage complied with the requirements of Regulation 14 (a)(v) of the Neighbourhood Planning (General) Regulations 2012, as amended by the Neighbourhood Planning (General) and Development Management Procedures (Amendment) Regulations 2017. This is, in respect of a modification proposal at its pre submission consultation and publicity stage, a requirement for

“a statement setting out whether or not the qualifying body considers the modifications contained in the modifications are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for such for why the qualifying body is of the opinion”.

I have now seen the Reg 14 version of the plan and I did not see the Modification Statement within that document.

Q3: Has Rother District Council prepared its submission pursuant to Regulation 17(e) of the Neighbourhood Planning Regulations 2012 as amended which is almost identical to the above?”

10. Prior to its response to the Examiner, Rother Planners took legal advice on the issues. Considering this advice, Rother Planners determined that unfortunately, the Modification Statement had not been provided in the prescribed format. Responding to the Examiner, Rother Planners took the view that the Rye submission had not met the legislative requirements, particularly in Paragraphs 6(2) c) and d) of schedule A2 of the Town and Country Planning Act 1990.

11. The Examiner gave the opinion that Rye Town Council should withdraw the reviewed version and repeat the Regulation 14 consultation **with the required modification statement**. Both the Examiner's preliminary questions, his interim conclusions and final points are linked to the Rye Neighbourhood Plan page of the Rye Town Council website.

12. Rye Town Council then withdrew the reviewed plan from examination and drafted the first version of this Modification Statement. It then proceeded to manage a fresh public consultation (“Regulation 14 “) on the Neighbourhood Plan, together with the newly produced modification statement.

13. The 21 July 2025 version was submitted to Rother DC at the end of July 2025, for Regulation 16 consultation. This took place between **16 September and October 28 2025**. During this consultation it was noted that some conflicting information had been published prior to the consultation. Rother DC advised that a further Regulation 16 consultation should take place.

14. After the Reg 16 consultation had closed, there was further discussion with Rother DC about timeline and targets. Following considerations in early 2026, Rother DC advised that if the timeline was moved from 2028 to 2031 and the higher target

of 325 homes was adopted, then the plan would need to go to further Reg 14 consultation, Reg 16 consultation and examination.

15. Using the agreed Jul 25 version, this went ahead for Reg 14 from 28 May to 9 Jul 26. Rye Town Council has considered the representations from the Reg 14 (refresh), made minor modifications, shown in the updated statement of modifications and now submits the 21 July 2025 reviewed version with the supporting documents - table of representations, consultation document, updated Basic Conditions Statement and updated Statement of Modifications - to Rother DC for the next consultation.

16. To enable readers to follow the sequence of modifications and consultations from late 2023 to April 2026, the details below charts the sequence.

From Mid 2023	Rye Neighbourhood Plan (NP) - Version	Tracking the Rye NP Review Process - Modifications
Jul 23 to May 24	Rye NP Made Plan 2019	Rye Steering Group reformed: five Meetings with support from sub groups during 2023 Meeting Rye-Rother Planners 21 May 24
Sep 24	Revised drafts Draft 1 – 1 May 24 Draft 2 - 22 Sep 24	Completion of initial revised draft Consultation with Rother DC planners; advice about consultation process. Reg 14 Consultation with 22 Sep 24 version: 15 Oct 24 for 6 weeks
Dec 24	22 Sep 24 12 Dec 24	Rye considers the Reg 14 fifteen representations ; draft plan modified to reflect Endorsed by Rye TC after further minor modifications
14 Jan 25	31 Dec 24	Submission to Rother DC for Reg 16
24 Jan 25 to 7 Mar 25	31 Dec 24	Rother DC carries out Reg 16 consultation

Mid Apr	Post Reg 16 edition	Rother DC submits to Examiner
Late Apr	Post Reg 16 edition for Reg 17 examination	Examiner poses some preliminary questions about whether the submission met the requirements of the Act, in that there was no formal and separate Statement of Modifications Rye TC advised to withdraw edition and repeat Reg 14 circulation with formal Statement of Modifications, which it does
9 Jun to 21 July 25	1 May 25 version	Fresh Reg 14 consultation produced four additional representations. Rye TC considers and amends draft to reflect representations. It then submits to Rother DC for fresh Reg 16 consultation. Meanwhile in Jul 25 there was a meeting between Rye and Rother Planners to reconsider sites, allocations and numbers. H4, H5 and H7 were all increased to revised “at least” numbers. In addition, to reflect rising complaints from the community that the old school building in H7 was to be demolished displacing two artist organisations, text was added to the header of H7 that “the school building should be retained”. Note that this was “should” NOT “will”: desirable not essential.
16 Sep to 28 Oct 25	21 Jul 25 version for Reg 16 consultation	Rother DC carries out fresh Reg 16 consultation, during which there were objections. It was alleged that the consultation instructions had been misleading, in that it had been suggested that there had been no “substantive changes” since Autumn 24. This was factually incorrect as minor modifications had been made to produce the 21 Jul 25

		version. The particular policy objections focused on: - Text in Policy for H7 - Some of the “at least” figures had been increased. - Plan period has been revised
28 Oct	21 Jul 25 (amended) is consultation version modified to reflect the H7 objection	Following the comments above, Rother DC advised that Reg 16 should be repeated, but then Rother Planners queried the numbers and timeline.
End Oct to Apr 26	Concurrent work on the Rother Local Plan then progressed to Reg 18 consultation.	During this period, Rye waited for advice on numbers and timeline.
Apr 26	Rother Planners provided advice on numbers, timeline and process, summarised into 6 key aspects. Rye responded with two key questions There was a Teams meeting on 14 Apr to discuss the state of play. As a result Rye responded with general agreement but requiring further advice on 2 questions.	1. Agree timeline to be 2026 to 2031 2 and 3. Work on site reassessment and input to the HELAA indicates that 325 dwellings is the 5 year target. 4. Should Rye propose lower figures then RDC would make formal representation in future consultations. 5. Rye should consider future additional evidence requirements on flood risk and habitats. 6. Rye should consider that proposed changes could change the nature of the plan and therefore the Examiner might require a Referendum. Question 1. What consideration has there been to avoid duplication or replication between the RNP and the draft Local Plan, as the latter replicates the Rye allocation policies? Question 2. What version should be used for the next stage? The Jul 25 version?

		Both these questions were tackled during a Teams meeting on 14 Apr 26 and resolved. It was agreed that Rye should make the modifications and revert to another Reg 14 consultation. Rye TC was briefed and agreed.
Jul 26	Fresh Reg 14 consultation. This statement reflects those representations.	Reg 14 - 28 May to 9 Jul. Extended to 22 Jul at request of NHS.

17. Below, to comply with the pre-submission consultation stage requirements of Regulation 14 (a)(v) of the Neighbourhood Planning (General) Regulations 2012, as amended by the Neighbourhood Planning (General) and Development Management Procedures (Amendment) Regulations 2017, Rye Town Council makes a Modification Statement.

18. To compliment this statement, two copies of the reviewed plan are provided: a red ink version to enable readers to cross-refer and a final version, along with an updated basic conditions statement and an updated consultation statement.

Rye Neighbourhood Plan – Modification Statement - Updated to May 26 to reflect the changes.

What has changed from the (Made) Rye Neighbourhood Neighbourhood Plan?

Below is a summary of the modifications proposed to the Introduction, Vision, Objectives and Policy, resulting from the review of the (Made) Rye Neighbourhood (Development) Plan (dated 8 July 2019), in accordance with the Planning Practice Guidance, reviewed in 2020. The Modification Statement reflects the qualifying body's view that the modifications are minor or material but do not change the nature of the plan.

Of the three categories of modification explained below, **all the proposals in the reviewed Rye Neighbourhood Plan are considered to fall into the first two categories:**

(1) Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a 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. This might, for example, involve allocating significant new sites for development.

Rye Town Council as the Qualifying Body, considers the modifications outlined below are NOT so significant or substantial as to change the nature of the (Made) Rye Neighbourhood (Development) Plan (Jul 2019), because the opinion of the Qualifying Body is that by its assessment, as indicated in the table below, the modifications are in two lower impact categories:

- (1) Minor (non-material) modifications to a neighbourhood plan;**
- (2) Material modifications which do not change the nature of the plan.**

List of Modifications

RED to May 26; BLUE to Jul 26

RNP Sections	Modification	Modification Category
Introduction Page - P1, 2 and 3	Red: Introductory remarks modified to reflect: Blue: Delete policy H9 covering small developments up to 10 units; add them as “windfall” as previously covered in text. Blue: Modified with new timeline 2026 to 2031	(2)
P4 - Versions	Red and Blue: Modified to reflect work Sep 24 to Jul 26	(1)
P5 and 7	Red: Modified to reflect timeline (to 2031) and target numbers for dwellings (Rother Local Plan - 325). Blue: Delete formal identification of “minor” sites as policy H9; now named	(2)

	“windfall” in text. Blue: Add High Weald Natural Landscape	
P8 to P16	Red and Blue: Modified to reflect background, the review, related studies and change in the emerging draft Rother Local Plan and fresh references including to Mar 26 changes to basic conditions. Blue: Reference to HWNL	(1)
Section 2: Vision and Objectives		
P17 - P18 Para 2.1	Red: The Consultation Document has been modified. Blue: Text modified - with new references, including the emerging draft RDC Local Plan. - new dates - inclusion of detail on developers’ contribution	(1)
P19, Para 2.31	Red: Modified to reflect the emerging draft Rother Local Plan which provides a refreshed vision for Rye linked to the draft’s two important overall priorities: “Green to the Core” and “Live well Locally”.	(2)
P20 - P22, Objectives 4 and 5	Red: The Strategic Objective has been modified to reflect Rye’s aspirations and the latest Rother priorities. Red and Blue: Objectives 4 and 5: These are new objectives to meet Rye’s recent aspiration to place greater emphasis on living well and climate change mitigation and adaption, which also chime with the policies of the	(2)

	emerging draft Rother Local Plan. Additions reflect input from NHS on health advice. More from ESCC on Walking, Wheeling and Cycling.	
Section 3 – The Character of Rye		
P23 to P26	Blue: Revised population figures. Red and Blue: Modification incorporates the evolving Rother structure which reflects Rye and its cluster of villages and better describes what is also known as “Rural Rother”. Fresh emphasis on AONL. Additions on “Walking, wheeling and cycling” from ESCC. Deprivation figures modified References to draft emerging Rother Local Plan	(1)
Section 4 – The Planning Policies		
P27	Modifications reflect: Reference to draft emerging Rother Local Plan The considerable geographic and environmental constraints on development in Rye and the revised indicative target numbers to better reflect the emerging Draft Rother Local Plan. Delete Policy H9 (minor sites); add detail into text as “windfall”.	(2)

	Modified employment space target to 3000 sq m. Increase emphasis on HWNL as setting.	
P28	Red: modified target numbers by allocation Blue: delete “minor” ; insert “windfall”	
P29, Policy H1	Red: Modifications reflect a reassessment of housing numbers (in conjunction with Rother Planners - 325) by allocated sites, with the aim of increasing density to meet the perceived raised targets in the emerging Rother Draft Local Plan and government policy. Blue: Minor sites are now identified as “windfall” in text. Red: The major site identification\allocation remains as for the (Made) Rye Neighbourhood Plan (July 2019).	(2)
P30 to P32 including Policy H2 -Housing Mix	Red: Modifications include a reflection of the rising number of second homes in Rye and the impact of poor availability for low paid workers in the hospitality and service sector. Blue: delete “minor” add “windfall”	(1)
P31 to P33 Policy H3	Red: Tilling Green: Modification on change of status of the land after ESCC intends to transfer to new unitary authority. Blue: As little affordable is	

	forthcoming from allocation, add 100% affordable/social to Tilling Green. <i>However, the site identification remains as for the (Made) Rye Neighbourhood Plan (July 2019).</i>	
P33 - Policy H4	Blue: Add "windfall" Add reference to King Charles 111 Coastal Path (KIIICP)	
P35 – Policy H4	Red: Modifications reflect a reassessment of housing numbers (in conjunction with Rother Planners) by allocated sites, with the aim of increasing density to meet the perceived raised targets in the emerging Rother Draft Local Plan. <i>However, the site identification remains as for the (Made) Rye Neighbourhood Plan (July 2019).</i> Modifications to reflect the new King Charles III English Coastal Path and the need for flood resilience, including SuDS and for access to utility infrastructure.	(1)
P36 to H37, Policy H5	Red: Modifications reflect a reassessment of housing numbers (in conjunction with Rother Planners) by allocated sites, with the aim of increasing density to meet the perceived raised targets in the emerging Rother Draft Local Plan. <i>However, the development site identification remains as for</i>	(1)

	<i>the (Made) Rye Neighbourhood Plan (July 2019).</i> Modifications also reflect the need for quality design; flood resilience with SuDS and for access to utility infrastructure.	
P40, Policy H6	Red: Modifications reflect the need for improved flood resilience and for access to utility infrastructure. <i>However, the site identification remains as for the (Made) Rye Neighbourhood Plan (July 2019).</i>	(2)
P41 - P42: Para 4.17: Policy H7	Red: Modifications reflect Changes to background facts; a subdivision of the site into its three elements (the former school, a green space and a former swimming pool); increased housing density; the need for improved flood resilience and for access to utility infrastructure. Modifications reflect a reassessment of housing numbers (in conjunction with Rother Planners) by allocated sites, with the aim of increasing density to meet the perceived raised targets in the emerging Rother Draft Local Plan. <i>However, the site identification remains as for the (Made) Rye Neighbourhood Plan (July 2019).</i> Site B3, contiguous with H7, in 2019, was allocated for an additional petrol station but with the move to electric vehicles, this has been modified for mixed use with the	(1)

	agreement of RDC Planners.	
P44: Policy H8	Red: Editorial changes and modifications reflect the need for improved flood resilience, including SuDS and for access to utility infrastructure. Blue: Delete “allocate” insert “provide” <i>However, the site identification remains as for the (Made) Rye Neighbourhood Plan (July 2019).</i>	(2)
P45 - P46	Blue: Windfall: Modifications reflect the advice to delete “ minor” and add “windfall” to text. Modifications identify individual minor developments. Previously they were listed in the text as “windfall” sites.	(2)
P47	Blue: Add reference to LETI and BEEAM	
P50	Red: modifications to add green infrastructure, energy policies and Conservation Area shop fronts. Blue: Add: HWNL Walking , Wheeling and Cycling	
P51, Flood Risk	Blue: Modifications reflect the challenge of sequential testing Red: Reference to the SRFCC and the draft emerging Rother Local Plan	(2)

P52 - P54	Red and Blue: Modifications reflect greater emphasis on the need to mitigate flood risk and achieve an effective sewerage handling process to reflect climate change.	(2)
P57 to 59: Policy F1	Red and Blue: Modifications emphasise flood risk mitigation, the latest advice from Southern Water on responsibilities and blockages; the need for emergency plans to aid evacuation in extremis. The need to comply with building regulations in areas of high risk landslip. Flood risk impact on mental health.	(2)
P60	Blue: add emphasis on transport factors on business.	
P62, Para 4.49 and 4.50	Red: Modification sets guidelines for change of use to conform to emerging RDC policy. Modification to include advice from ESCC on traffic and the importance of transport links on employment.	(1)
P63 and P64: Policy B1	Red: Modification emphasises health requirements and the potential adverse impact of businesses proposed in residential areas. Blue: Adds in target of 3000 sq m employment floorspace.	(1) (2)

	Maximising transport factors on business Add references to ESCC employment strategies	
P65 - P67: Policy B2 and B3	Blue: Importance of transport hub Importance of Green tourism Red: Importance of public toilets Modification reallocates B3 site from petrol station to mixed use as agreed with the LPA.	(2)
P68 and P69	Blue: Add detail on traffic and Walking, Wheeling and Cycling on ESCC advice.	
P70 and Policy T1	Red and Blue: Modification addresses various transport and access priorities, including importance of hub.	(1)
P75 to 76: Para 4.65, P75, Paras 4.71, 4.72 and Policy I1	Red: Modifications address: Add reference to draft emerging Rother Local Plan Add various utility and infrastructure measures, including additional sites of community value. Blue: Development requires negotiation for matching increase in services.	(1)
P77 to 79, Para 4.73, 4.74.	Blue: Add Blue and Green Infrastructure Add need for developers to negotiate additional services to	(2)

	match development needs. Red: Add reference to draft emerging Rother Local Plan Add checklist for new developments Add reference to walking, wheeling and cycling.	
P80 to P84: Para 4.79 4.80 and 4.81	Red: Modifications reinforce the need to retain protections of environmental assets surrounding Rye, including the strategic gap and the HWNL. Blue: Blue and Green Infrastructure	
P84 and Policy E1	Red: Modifications reinforce the need for a strategic gap - on land which is of high flood risk, of environmental and biodiversity importance - to prevent coalescence of Rye and Rye Harbour and conserve the unique character of Rye.	(2)
P88 - P91 and Policy E2	Blue: Modifications emphasise the need for improved “Blue and Green infrastructure”, including enhancement of the two allotments and a community garden, and the need for more planting. Red: Add planting projects.	(1)
P94: Policy E3	Red: Modification emphasises the health benefits of protecting the historic environment.	(1)
P96 and Policy E4	Red: Modifications emphasise the need for renewable energy measures, including EVCPs,	(2)

	solar power and a consideration of the health benefits of tackling climate change.	
Section 5: Community Aspirations P97 to P117	Modifications update the community aspirations which do not affect core plan policy.	N/A
Appendix A: Contributions	Modifications update contributions to the work	N/A
Global Modifications	There are some global changes made throughout the Plan, such as: High Weald Area of Outstanding Natural Beauty (AONB) has become High Weald National Landscape (HWNL) References have been updated to the draft emerging Rother Local Plan “walking, wheeling and cycling”. In the context of the neighbourhood plan and Gov.UK guidance, the words "shall," "will," and "should" all have distinct meanings in conveying different levels of obligation and expectation. "Shall" implies a mandatory requirement, "will" indicates a future action or intention, and "should" suggests a recommended or desirable course of action.	(1)

Anthony Kimber MBE PhD

Rye Neighbourhood Plan Coordinator

Jul 26