Hellingly Parish Council Neighbourhood Plan

Decision Statement

Wealden
District Council

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Hellingly Neighbourhood Plan – Decision Statement

(published pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended))

Background

1. On 5th November 2015, Wealden District Council formally designated the area shown at Appendix A as the Hellingly Parish Council Neighbourhood Area.

2. Following the submission of the Draft Hellingly Neighbourhood Plan to Wealden District Council, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), the plan was publicised and representations were invited. The publicity period ran for a period of six weeks between 7th May 2019 and 18th June 2019.

3. Wealden District Council appointed an independent Examiner, John Slater BA (Hons), DMS, MRTPI to examine whether the Hellingly Neighbourhood Plan met the 'basic conditions' as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the Hellingly Neighbourhood Plan should proceed to a referendum.

4. The final Examiners Report was received by Wealden District Council on 27th March 2020 which recommended a number of modifications to the Hellingly Neighbourhood Plan. These are required to ensure the Hellingly Neighbourhood Plan complies with the basic conditions and other relevant statutory provisions, and so that the draft plan as modified can be submitted for referendum. It concludes by stating:

   "I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made. I am therefore delighted to recommend to Wealden District Council that the Hellingly Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum".

Recommendations, Decisions and Reasons

5. Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended), requires the local planning authority to outline what action needs to be taken in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4a to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).

6. Having considered the recommended modifications, as set out in the Examiner's Report and the reasons for them, Wealden District Council has agreed to accept these modifications and for them to be made to the Hellingly Neighbourhood Plan in accordance with paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990. The Council confirms that subject to the Examiner's proposed specific modifications, the Hellingly Neighbourhood Plan will proceed to referendum, to be undertaken when it would be suitable to do so, following advice as necessary from Public Health England, for the following reasons. The Neighbourhood Plan:

    - will be compatible with the European Convention of Human Rights;
    - will not breach, and is otherwise compatible with, European Union obligations;
    - is not likely to have significant effect on a European designated site or a European Offshore Marine site either alone or in combination with other plans or projects;
    - taken as a whole has regard to national policies and advice contained in guidance issued by the Secretary of State and would contribute to the achievement of sustainable development;
    - is in general conformity with the strategic policies contained in the Development Plan for the area;
    - meets the basic conditions; and
    - has undergone consultation in accordance with the requirements of the Regulations

7. The Council also agrees with the Examiner's recommendation that the referendum of the Neighbourhood Plan should be based on the designated Neighbourhood Area approved by the Council on 5th November 2015.

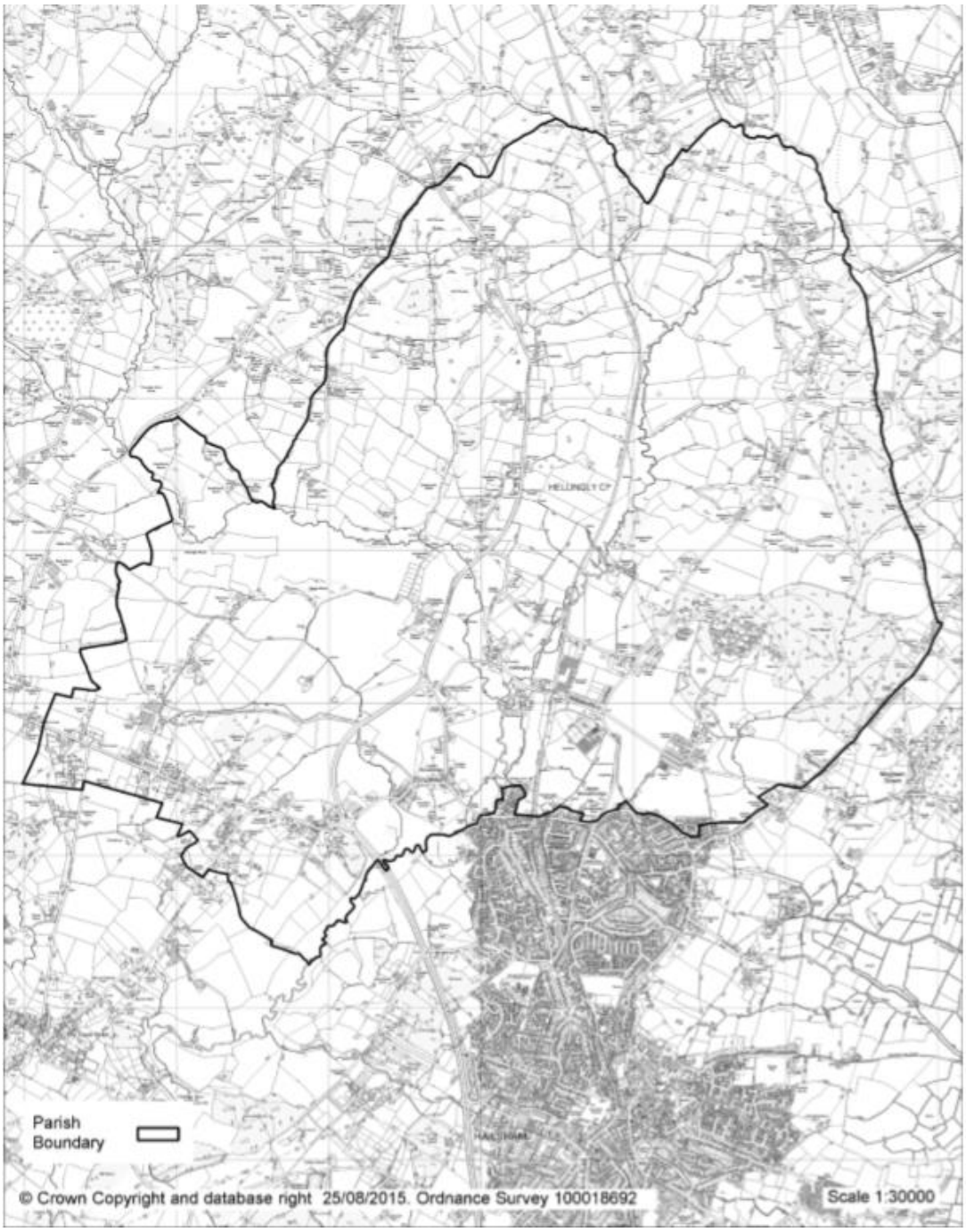
8. To meet the requirements of the Localism Act 2011, a referendum which poses the question, 'Do you want Wealden District Council to use the Hellingly Neighbourhood Plan to help it decide planning applications in the Hellingly Neighbourhood Area[1]?' will be held in the area formally designated as the Hellingly Neighbourhood Area.

9. The date on which the referendum will take place is yet to be decided. The Council will work with Hellingly Parish Council and the Neighbourhood Plan Steering Group to determine an appropriate date for the referendum to be undertaken when it would be suitable to do so, following advice as necessary from Public Health England

10. This Decision Statement, the Examiner's Report, including the proposed modifications and the HNP can be viewed on Wealden District Council's website www.wealden.gov.uk/neighbourhoodplans. The documents are also available for inspection at the following locations:

[1] Neighbourhood Planning (Referendums) Regulations 2012 (as amended).

- Wealden District Council offices, Vicarage Lane, Hailsham BN27 2AX
- Hellingly Parish Council Office, The Village Hall, Hellingly, East Sussex, BN27 4DS (by arrangement)

11. For any questions please contact the Planning Policy Team on 01892 602008 or email nplans@wealden.gov.uk

Appendix A – Hellingly Parish Neighbourhood Area