Herstmonceux Neighbourhood Plan

Decision Statement

Wealden
District Council

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(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 6th February 2013, Wealden District Council formally designated the area shown at Appendix A as the Herstmonceux Parish Council Neighbourhood Area.
2. Following the submission of the Draft Herstmonceux 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 25th September 2017 and 6th November 2017.
3. Wealden District Council appointed an independent Examiner, John Slater BA (Hons), DMS, MRTPI to examine whether the Herstmonceux Neighbourhood Plan met the 'basic conditions' as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the Herstmonceux Neighbourhood Plan should proceed to a referendum.
4. The final Examiners Report was received by Wealden District Council on 6th February 2018 which recommended a number of modifications to the Herstmonceux Neighbourhood Plan. These are required to ensure the Herstmonceux 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."

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 Herstmonceux 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 Herstmonceux Neighbourhood Plan will proceed to referendum 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.

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 6th February 2013.

7. To meet the requirements of the Localism Act 2011, a referendum which poses the question, 'Do you want Wealden District Council to use the Herstmonceux Neighbourhood Plan to help it decide planning applications in the Herstmonceux Neighbourhood Area[1]?' will be held in the area formally designated as the Herstmonceux Neighbourhood Area.
8. The date on which the referendum will take place is Thursday 3rd May 2018.

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:

- Wealden District Council offices, Vicarage Lane, Hailsham BN27 2AX;
- Herstmonceux Parish Council Office, 4 The Old Forge, Gardner Street, Herstmonceux, BN27 4LG (by arrangement)
- Herstmonceux Village Information Centre 2/3 The Old Forge, Gardner Street, Herstmonceux, BN27 4LG. (Monday - Friday 10am to 12.30pm, Sat 10am to 12 midday)
- Herstmonceux Village Hall, Hailsham Road, Herstmonceux, BN27 4JX (available in the foyer during open sessions)

For any questions please contact the Planning Policy Team on 01892 602008 or e-mail nplans@wealden.gov.uk.

[1] Neighbourhood Planning (Referendums) Regulations 2012 (As amended)