

Ninfield Neighbourhood Plan

Regulation 18 Decision Statement

Issued: 23 July 2024

Wealden District Council

Ninfield Neighbourhood Plan – Decision Statement

(published pursuant to Regulation 18 (2) of the Neighbourhood Planning (General) Regulations 2012 (as amended))

Summary

1. Following an independent examination undertaken by written representations, Wealden District Council now confirms that the Ninfield Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.

Background

2. On 23 January 2020, Wealden District Council formally designated the area shown at Appendix A as the Ninfield Parish Council Neighbourhood Area.
3. Following the submission of the Draft Ninfield Neighbourhood Plan to Wealden District Council (under Regulation 15) by Ninfield Parish Council, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), Wealden District Council publicised the plan, and representations were invited. The publicity period ran for a period of seven weeks between 25 September 2023 and 13 November 2023.
4. Wealden District Council, with the agreement of the Parish Council, appointed an Independent Examiner, Liz Beth MRTPI, to examine whether the Ninfield Neighbourhood Plan met the 'basic conditions' as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the Ninfield Neighbourhood Plan should proceed to a referendum.
5. The final Examiners Report was received by Wealden District Council on 9 April 2024, which recommended a number of modifications to the Ninfield Neighbourhood Plan. These modifications are required to ensure the Ninfield Neighbourhood Plan complies with the basic conditions and other relevant statutory provisions, and so that the submission plan, if modified, can be put to referendum.
6. The conclusion of the Examiners Report states that:

"I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications. Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum. I recommend the referendum boundary is the designated neighbourhood plan area".

Recommendations, Decisions and Reasons

7. 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 4b to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).
8. Having considered the recommended modifications, as set out in the Examiner's Report and the reasons for them, Wealden District Council, in conjunction with Ninfield Parish Council (the Qualifying Body), has agreed to accept these modifications and for them to be made to the Ninfield Neighbourhood Plan in accordance with paragraph 12(6) of Schedule 4b to the Town and Country Planning Act 1990. The modifications made to the Plan are set out in the Schedule of Modifications.
9. Paragraph 12(4) of Schedule 4b of the Town and Country Planning Act 1990 states that a referendum must be held on a proposal for a neighbourhood development plan if the Local Planning Authority is satisfied that it meets the Basic Conditions and other legal requirements or would do so if modifications were made to the draft plan.
10. The Council confirms that, subject to the Examiner's proposed modifications, the Ninfield 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.
11. The Council also agrees with the Examiner's recommendation that the referendum of the neighbourhood Plan shall be based on the designated Neighbourhood Area approved by the Council on 23 January 2020.
12. To meet the requirements of the Localism Act 2011, a referendum which poses the question, 'Do you want Wealden District Council to use the neighbourhood plan for Ninfield to help it decide planning applications in the

neighbourhood area?¹ will be held in the area formally designated as the Ninfield Neighbourhood Area.

13. The referendum needs to be held within 56 working days of the decision being issued (this excludes Saturdays, Sundays and Public Holidays)². The referendum will take place on 5 September 2024.

14. This Decision Statement, the Examiner's Report and the Ninfield Neighbourhood Plan (Referendum Version) can be viewed on Wealden District Council's website:

<https://www.wealden.gov.uk/planning-and-building-control/planning-policy/neighbourhood-planning/>

15. The documents are also available for inspection at the following locations:

- Wealden District Council offices, Vicarage Lane, Hailsham BN27 2AX Monday, Tuesday, Thursday, Friday 8.30am-5pm, Wednesday 9am - 5pm;
- Community Café, Methodist Hall, Church Lane, Ninfield, East Sussex, TN33 9JW. Every Friday morning between 9.30-11.30am or by arrangement with the Parish Clerk: clerk@ninfieldpc.co.uk

16. For any questions, please contact the Planning Policy Team on 01892 602008 or email Nplans@wealden.gov.uk

¹ [Schedule 1 of the Neighbourhood Planning \(Referendums\) Regulations 2012 \(as amended\)](#)

² [Regulation 2A of the Neighbourhood Planning \(Referendums\) Regulations 2012 \(as amended\)](#)

Appendix A – Ninfield Parish Neighbourhood Area

