

WADHURST NEIGHBOURHOOD PLAN 2016-2039

SUBMISSION PLAN APRIL 2023

EXAMINATION

EXAMINER'S NOTE 1

1. I was appointed on 16 November 2023 by Wealden District Council (WDC) with the agreement of the qualifying body, Wealden Parish Council (WPC), to undertake the examination of the above Plan (the NP). The Examination commenced on 23 November 2023.
2. I am independent of WDC and WPC, I have no interest in any relevant land, and am appropriately qualified and experienced to carry out the Examination.
3. I have been supplied electronically, and additionally partly in hard copy form, with all the Examination documents. I have read all the documents, including the Representations made pursuant to Regulation 16 of the Neighbourhood Plan etc Regulations.
4. Paragraph 9(2) of Schedule 4B to the Town and Country Planning Act 1990 sets out the circumstances in which I must hold a hearing to receive oral representations. I am satisfied that the specified circumstances do not arise in this case, and that the Examination can be fairly conducted without a hearing. It will therefore proceed on the basis of my consideration of all the documents, answers to the questions raised below, together with the visit or visits that I will make to the area.
5. I will be making an unannounced and unaccompanied visit or visits to the area shortly. Whilst I will make sure that I see all the relevant features, I will be particularly concerned to see the proposed Green Gaps and Local Green Spaces. These are all identified on maps within the NP (or its appendices). I assume that many of these—probably most—can be reached on foot, some I may wish to (or will have to) access by car. If it is possible to provide a map/plan by way of guidance as to parking etc, within some 7 days or so, that would be much appreciated.
6. I have a limited number of queries to raise at this stage, as follows (comments are invited, and invited only, from the party/parties highlighted below):
 - a. Paragraph 21 of the NPPF (2023) advises that [local] plans should make explicit which policies are strategic policies. This advice (and its predecessors) pre-dates the Wealden Local Plan 1998. Does **WDC** provide guidance, or a list, of those policies considered to be strategic? (I note that WPC's Basic Conditions Statement appears to

regard all relevant policies as strategic). Specifically, I assume that **WDC** regard Policy TM1 (tourism development) as strategic?

- b. The Wadhurst Design Code March 2023 (the DC) is explicitly proposed to be made part of the NP (and not separate guidance). That being the case, it strictly falls to be examined (unless I were to recommend that it do not remain as part of the NP itself). In WDC's helpful and comprehensive comments on the NP, very detailed comments on the DC are put forward. It seems to me that these comments on the DC are formulated as if there were a further (theoretical) round of consultation. I am very reluctant to engage on these detailed points as part of the Examination. That may, indeed, not be necessary, since my present view is that no basic condition issues are raised in this respect, that being of course my central remit. In my Report I will, as is my usual practice, incorporate a paragraph expressly contemplating that prior to Referendum (if such is the overall recommendation), minor and consequential adjustments to the NP can properly be made, without reference to me. In this context, it may be that WPC could respond positively at that stage (not now) to some of the WDC comments. Please can **WDC** and **WPC** comment on this paragraph b?
- c. I find that proposed Policy WAD14 is a difficult policy to deal with. From WPC's point of view, is its essential purpose—see paragraph 9.29—to support a clubhouse at Bewl Water? I note the reference to Use Classes F2 b and c, but wonder what other forms of “halls and meeting places” are intended to be supported. Please would **WPC** comment?
- d. More widely on this Policy, why is it necessary at all? Tourism development is supported by local plan policy TM1, and national policy. There are very strict controls (which will not alter) on development in the AONB in national policy/guidance and the local plan (Policy EN6). What more is needed? I invite short (no more than 2 pages) comments if offered by **WDC**, **WPC** and **Kember Loudon Williams (for Elite/Salmon)**.

I invite brief comments on the above queries (a page or so) to be supplied to WDC by no later than close of business on Friday 8 December 2023.

Christopher Lockhart-Mummery KC

Examiner

30 November 2023