Wadhurst Neighbourhood Plan

Decision Statement

Issued: 16 March 2024

Wealden District Council

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Wadhurst 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 8th November 2017 (date of implementation 16th November 2017), Wealden District Council formally designated the area shown at Appendix A as the Wadhurst Parish Council Neighbourhood Area.

2. Following the submission of the Draft Wadhurst Neighbourhood Plan to Wealden District Council (under Regulation 15) by Wadhurst 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 six weeks between 5th June 2023 and 17th July 2023.

3. Wealden District Council appointed an independent Examiner, Christopher Lockhart-Mummery KC to examine whether the Wadhurst Neighbourhood Plan met the 'basic conditions' as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the Wadhurst Neighbourhood Plan should proceed to a referendum.

4. The final Examiners Report was received by Wealden District Council on 18th January 2024 which recommended a number of modifications to the Wadhurst Neighbourhood Plan. These modifications are required to ensure the Wadhurst Neighbourhood Plan complies with the basic conditions and other relevant statutory provisions, and so that the draft submission plan if modified can be submitted for referendum. The Examiners Report concludes by stating:

   "WPC, with the Steering Group, are to be congratulated on the production of such a well-researched, well-evidenced and clearly laid out and written NP. I have found a number of instances where modifications are required to ensure that the NP complies with the basic conditions. I **Recommend** that, subject to those modifications being made, the NP should proceed to referendum. I find no reason to recommend that the area covered by the referendum should differ from the neighbourhood area. I regard it as within the implied powers of WDC/WPC to make truly minor corrections/alterations which do not affect the substance of the NP".

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 4B 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 Wadhurst 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 Wadhurst 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.

7. 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 8th November 2017.

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 neighbourhood plan for Wadhurst to help it decide planning applications in the neighbourhood area[1]?' will be held in the area formally designated as the Wadhurst Neighbourhood Area.

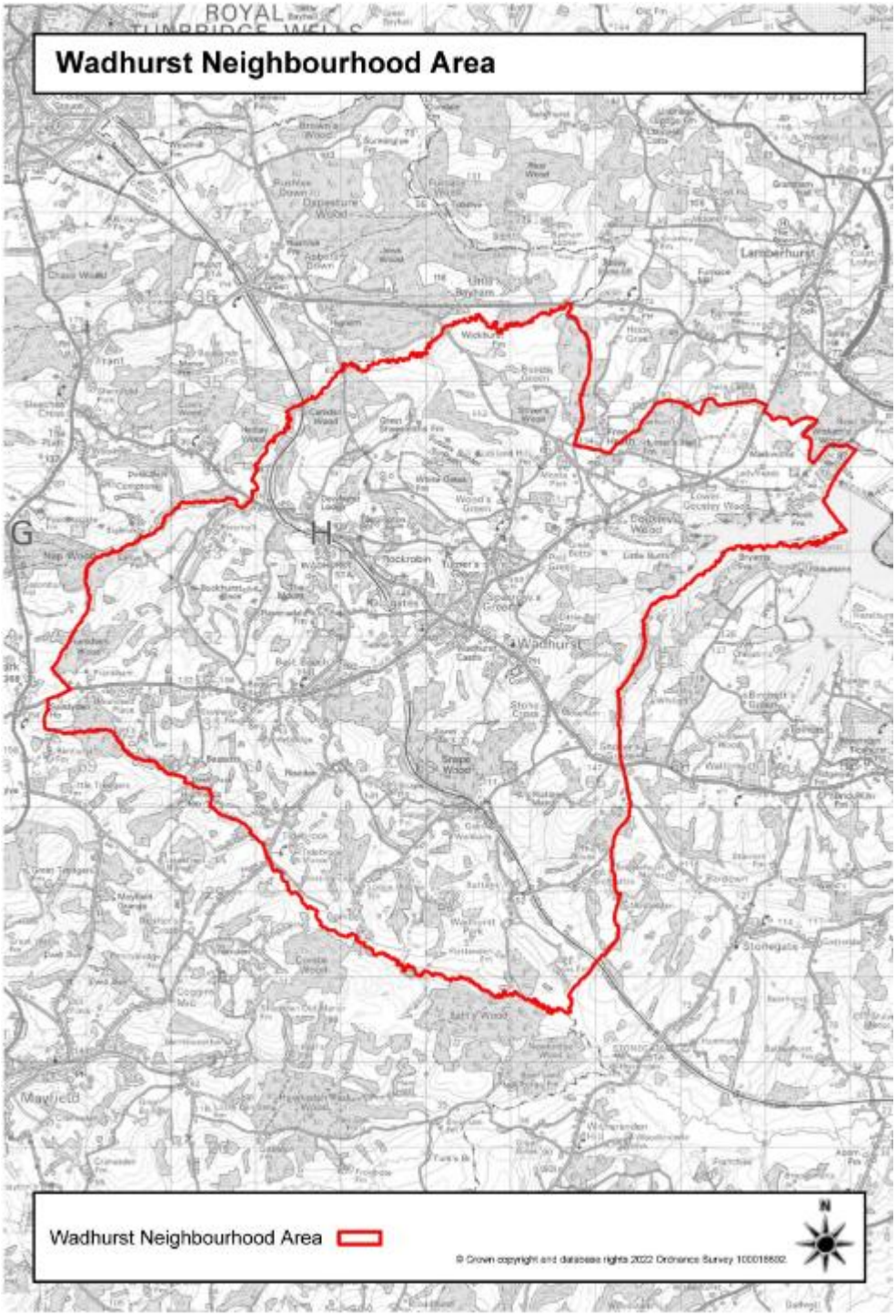
9. The referendum will take place on 2nd May 2024.

10. This Decision Statement, the Examiner's Report and the Wadhurst Neighbourhood Plan (Referendum Version) can be viewed on Wealden District Council's website https://www.wealden.gov.uk/planning-and-building-

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

control/planning-policy/neighbourhood-planning/ 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;
- Wadhurst Library, High Street, Wadhurst, TN5 6AP Monday 2pm to 4.30pm, Wednesday 10am-1pm, Friday 2-4.30pm, Saturday 10am-1pm.

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

Appendix A- Wadhurst Parish Neighbourhood Area