

Hellingly Neighbourhood Development Plan 2018 -2028

Further Comments of the Independent Examiner

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

24th October 2019

1. As you will be aware, I have been appointed to carry out the examination of the Hellingly Neighbourhood Plan. On 18th July 2019, I issued my *Initial Comments of the Independent Examiner* document. I am very grateful to both the Parish Council for its response, dated 17th September 2019 and also to Wealden District Council for its response dated 19th September.
2. The purpose of this note is to provide an update on the examination timeframe.
3. In my Initial Comments, there were a number of questions addressed to the District Council, which were related to the examination of the Wealden Local Plan. I understand that the Local Plan Inspector, Louise Nurser, reconvened her examination, at the follow-on hearing, held on 30th and 31st July 2019. These sessions concluded Stage One of the Local Plan Examination and the Inspector, as I understand, indicated that she would be preparing a letter to the District Council determining whether, and how the rest of the local plan examination would proceed. That letter was expected to be delivered to the District Council by the end of August 2019. To date the letter has not arrived.
4. Much of the hearing's deliberations surrounded the impact of the air quality on European protected sites and the policies which were required to ensure that the Habitat Regulations Assessment objectives were met. Many of these issues have been rehearsed again in respect the Regulation 16 representations on the Hellingly Neighbourhood Plan, particularly in the comments of Natural England.
5. The key issue is whether the proposed policies offer appropriate mitigation to ensure the development does not adversely affect protected sites which are central to the Neighbourhood Plan's Habitat Regulation Assessment and the LPA has required the Qualifying Body, in response to the findings in the HRA, to insert into the plan, Policy HNDPE – Habitat Regulations.
6. I am not certain to what extent there is a particular Hellingly dimension to this issue, but clearly one of the basic conditions that I am required to examine relates to whether the plan, if made, will have any adverse impact on European protected sites.
7. I was expecting these matters to be addressed in the Local Plan Inspector's letter. These are matters of a more of a strategic nature rather than having a specific local dimension. In the absence of clarity from the local plan examination, inevitably these are matters that I would need to take on board in my examination and for which I may need to see addressed at a hearing (if I decide that one is necessary). However, it is likely that the main contributors to that part of the session, would be from the District Council and Natural England rather than the Parish Council and this discussion would be very likely to just be a rerun of the evidence that has already been heard at the local plan inquiry.
8. My deliberations as to how to proceed is complicated by the fact that there is no indication when the Local Plan Inspector's Stage 1 letter will be received. In its absence, I cannot give a firm timescale for the Hellingly neighbourhood plan examination. The danger is that if I call for a hearing and seek to address these

issues alongside other questions, events could quickly be overtaken by the publication of the Inspector's letter. Similarly, if I was to explore and report on these issues independently, my conclusions could equally be overtaken by the publication of the local plan examination report.

9. I have therefore concluded that for the present, the most appropriate response is to hold the Hellingly examination in abeyance until the Local Plan Inspector's letter is received. Once that is received, I can then formally conclude whether I do need to hold a hearing and in particular what matters need to be addressed.
10. I will keep the matter under review and I have asked to be sent a copy of the Stage One letter as soon as this is received.
11. I am sending this note direct to Hellingly Parish Council, as well as Wealden District Council. For your information, a similar note has been sent to Hailsham Town Council.
12. I will be grateful, if a copy of this note is placed on the appropriate neighbourhood plan websites.

John Slater BA (Hons), DMS, MRTPI

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Independent Examiner to the Hellingly Neighbourhood Plan.

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