

Hellingly Neighbourhood Development Plan 2018-2028

Guidance Notes and Agenda for Public Hearing

Prepared by the Independent Examiner

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

1. Following my initial consideration of the Plan, I have decided that a public hearing is required to assist my examination of this Neighbourhood Plan. I propose to hold a one day hearing. This will commence at **10.00am on Tuesday 18th February 2020** at Hellingly Village Hall, North Street, Hellingly, East Sussex, BN27 4DS.
2. This Note provides guidance as to how the hearing will be conducted, and includes an agenda and questions.
3. According to the legislation, the general rule is that the examination of issues by the Examiner is to take the form of consideration of written representations. However, the Act does allow the calling of a public hearing.
4. I have decided to hold a hearing to allow for the exploration of certain issues arising from my consideration of the plan and some of the representations made at the Regulation 16 Stage. The issues that I have asked to receive oral submissions on, were generally set out in the document “Additional Comments of the Independent Examiner”, dated 15th January 2020. That note also raised a number of other matters that I said could be dealt with by way of written representations. I would now ask that the responses to the questions requiring a written response should be submitted to me electronically by **5 pm on Friday 14th February 2020**.
5. I can assure all parties that I have considered, and will continue to consider, all written representations submitted at Regulation 16 stage including those made by persons, who I have invited to the hearing to address my specific questions, but whose comments covering other issues as well.
6. The hearing is open to the public to attend; however, the conduct of a neighbourhood plan hearing is set out in Schedule 4B to the Town and

Country Planning Act 1990 and that specifies the parties who can participate. The legislation specifically provides for oral representations at the hearing to be made by the Qualifying Body, namely Hellingly Parish Council and the Local Planning Authority, Wealden District Council. In addition, I have asked that invitations be sent to two parties who submitted Regulation 16 comments, namely Batcheller Monkhouse on behalf of Catesby Estates PLC and Gladman Developments Ltd. I am inviting their contributions in respect of the specific questions that appear at the end of this note.

7. It is not my intention to invite representations from other parties at the hearing. I have no objections if any party wishes to film or record any part of the proceeding or to use social media.
8. Each participant party is requested to provide an outline Written Statement in response to the questions I have raised, where it is relevant to the question I have invited their participation. Not all questions will be relevant to every participant. Statements must be no longer than one side of A4 per relevant question. Participants are requested to use their Statement to outline their position in response to the relevant questions raised, and will still be able to draw on the information set out in their duly submitted representations. Statements must be submitted by email to nplans@wealden.gov.uk by 5pm on Thursday 13th February 2020. I will then ask the LPA and the QB to publish the statements on their respective websites on Friday 14th February 2020.
9. It is for the Examiner to decide how the hearing is conducted. In particular, I shall decide the nature and extent of any follow up questions, and the amount of time for oral representations. The principle to be applied, is that questioning will be done by myself, except where I feel that questioning by other parties should be allowed to ensure the adequate examination of a particular issue, or

to ensure that a party has a fair chance to put their case. We will take a short break during the morning session and the afternoon session. I will have an adjournment for lunch at a suitable moment in the proceedings.

Agendas

10. The Agenda will generally be as follows:

- (1) **Opening remarks-** by myself as Examiner
- (2) **Opening statement** by Hellingly Parish Council – I would like to offer the opportunity to the Qualifying Body to set out its overall approach to the neighbourhood plan.
- (3) **Discussion based on my individual questions:** These will look in turn at the questions 1 – 6 which I have attached to this note and which are based on the matters I raised in my Additional Comments paper.
- (4) **Examiners Closing Remarks**

Site visits

11. I have already carried out two site visits to the Neighbourhood Plan area.

I consider that it will be highly unlikely that I will want to carry out any further visits unless there are matters that come up during the hearing that I need to see, on site. If I decide that site visits would be helpful it is likely that these will take place on the morning following the Hearing i.e. Wednesday 19th February, depending on the time that the hearing concludes. I will confirm arrangements at the end of the hearing including whether I need to be accompanied on the site visits.

12. The purpose of any site visit is simply to identify matters which have already been presented in the representations. No further evidence will be given on site.

John Slater BA (Hons), DMS, MRTPI

Independent Examiner to Hellingly Neighbourhood Development Plan

John Slater Planning Ltd

28th January 202

John Slater Planning Ltd

QUESTIONS FOR PUBLIC HEARING

Question 1

What are the implications for the Hellingly Neighbourhood Plan, of the Local Plan Inspector's letter, dated 20th December 2019, which recommends that the emerging Wealden Local Plan should be withdrawn? Does it necessitate any changes to the policies and the supporting text in the plan?

Invitation to participate to be sent to

- *Qualifying Body*
- *LPA*
- *Gladman Developments Ltd*
- *Batcheller Monkhouse*

Question 2

Is it appropriate for the Neighbourhood Plan to include “*Recommendations*” which are not planning policy but nevertheless relate to matters regarding the “development and use of land”, which are not subject to examination, or have regard to the basic conditions or will be subject to referendum?

Invitation to participate to be sent to

- *Qualifying Body*
- *LPA*
- *Gladman Developments Ltd*
- *Batcheller Monkhouse*

Question 3

Is it appropriate for the neighbourhood plan to be requiring the submission of various documents and studies or are they matters determined more appropriately by the Local List of Information Requirements and are the plan's requirements, particularly with regard to ecological studies, reasonable?

Invitation to participate to be sent to

- *Qualifying Body*
- *LPA*
- *Gladman Developments Ltd*
- *Batchellor Monkhouse*

Question 4

Is the plan's approach to flooding, including designating Areas of Critical and Drainage Concern, which covers areas beyond Flood Zones 2 and 3 appropriate and consistent with national policy and advice? Is the requirement to balance flood risk against "other public benefits" consistent with the Secretary of State's advice for dealing with development in areas subject to flooding and is it in general conformity with Policy EN4 of the Wealden Local Plan 1998? Is the presumption against land raising on development sites anywhere in Hellingly Parish supported by evidence and is it a reasonable and practical policy?

Invitation to participate to be sent to

- *Qualifying Body*
- *LPA*
- *Batcheller Monkhouse*
- *Gladman Developments Ltd*

Question 5

Does having a policy for the Locally Valued Landscape Area for the northern half of the parish devalue the rural character of the southern area and how would a proposal be considered differently for a countryside location in the south, compared to the north of the plan area.

Invitation to participate to be sent to

- *Qualifying Body*
- *LPA*

Question 6

Are the additional criteria set in Policy HNPD 8 –Isolated New Dwellings justified on the basis of the specific characteristics of the plan area?

Invitation to participate to be sent to

- *Qualifying Body*
- *LPA*