

IN THE MATTER OF:
THE TOWN AND COUNTRY PLANNING ACT 1990
THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012
(AS AMENDED)

AND IN THE MATTER OF:
THE SEDLESCOMBE NEIGHBOURHOOD DEVELOPMENT PLAN

EXAMINATION

DIRECTION

Pursuant to the provisions of paragraph 9 of Schedule 4B to the Town and County Planning Act 1990, as inserted by schedule 10 of the Localism Act 2011, **IT IS ORDERED AND DIRECTED** that a hearing be held in order to consider oral representations from interested parties to assist the Examiner in his Examination of the issues in the case.

REASONS

1. On 1st July 2013 Rother District Council (“the District Council”) designated Sedlescombe as a Neighbourhood Area. Pursuant to Regulation 14 of the 2012 Regulations Sedlescombe Parish Council (“the Parish Council”) then embarked on what has been described as a “robust” public Consultation of the Neighbourhood Plan between March 2014 and May 2014. At the conclusion of the Consultation the Parish Council in July 2014 submitted the proposed Sedlescombe Neighbourhood Plan 2016-2028 to the District Council.
2. During the period of the pre-submission Consultation specific concerns were expressed as to inappropriate behaviour and conduct. Subsequently the District Council carried out a Monitoring Exercise. This was completed in January 2015. The Investigating Officer did not find sufficient evidence that there had been any breach of conduct. The Monitoring Exercise was duly closed.
3. In October 2014 Mr Nigel McGurk was appointed by the District Council as the Examiner to conduct the Neighbourhood Plan Examination and to provide a report.

4. In January 2015 Mr McGurk produced his report. He recommended that the Sedlescombe Neighbourhood Plan met the basic conditions, and should proceed to a referendum, but subject to a number of modifications. These modifications were not acceptable to the Parish Council, as they did not reflect the wishes of the community. The Parish Council then on 10th November 2015 decided to withdraw the Plan.
5. The current draft Neighbourhood Plan is the revised draft version of the pre-submission Neighbourhood Plan. Consultation took place on the pre-submission draft Plan between July and September 2016 under Regulation 14. The current Plan was submitted to the District Council on 29th September 2016 and consultation took place over an 8-week period between 28th November 2016 and 23rd January 2017.
6. On 2 February 2017 I was appointed by the District Council as the as the Examiner to conduct the Neighbourhood Plan Examination and to provide a Report.
7. By virtue of the principle of consistency in decision making, whilst it is open to the Examiner of the Sedlescombe Neighbourhood Plan to reach different conclusions from those reached by Mr McGurk, he must give reasons for that difference of opinion.¹
8. The Examiner is required to hold a public hearing where it is considered that oral representations are needed to ensure an adequate examination of an issue or issues, or to ensure people get a fair chance to put their case.
9. The Examiner has noted that there are numbers of areas of contention, in particular in relation to:
 - (1) the overall Plan process;
 - (2) proposed Policy Numbers 4, 7, 8 and 9, as to access and visual amenity;
 - (3) proposed Policy Number 11, as to whether it is appropriate to designate the whole of Street Farm as a Local Green Space, including having regard to whether it can be construed as an “extensive tract of land”.
10. In view of the history surrounding the production of the original Report, and the subsequent withdrawal of the Neighbourhood Plan by the Parish Council, and the fact that there are a number of areas of contention, as identified in paragraph 9, above, the

¹ See for example *North Wiltshire DC v Secretary of State for Environment* [1992] 65 P & CR 137 at 145.

Examiner considers that in the circumstances it is appropriate to hold an oral hearing so that all the issues in the Examination can be fully and properly considered.

Further Directions as to the conduct of the public hearing will be issued separately.

Edward F Cousins

The Examiner appointed by Rother District Council to conduct the Examination

Dated: 30th May 2017