



## ROTHER DISTRICT COUNCIL

### BATTLE CIVIL PARISH NEIGHBOURHOOD PLAN 2019-2028: DECISION STATEMENT<sup>1</sup>

#### 1. Summary

- 1.1. Following a favourable Referendum result, notice is given that Rother District Council (“the District Council”), at its meeting on 18 October 2021, ‘made’ the Battle Civil Parish Neighbourhood Plan 2019-28, meaning the Neighbourhood Plan comes in force with immediate effect. Hence, it forms part of the statutory Development Plan for the area and, as such, is a key policy document in the determination of planning applications for development in Crowhurst Parish.<sup>2</sup>
- 1.2. The ‘made’ Battle Civil Parish Neighbourhood Plan can be viewed on the District Council’s website at: <https://www.rother.gov.uk/planning-and-building-control/planning-policy/neighbourhood-plans/battle-neighbourhood-plan/> . Also available is the Strategic Environmental Assessment Adoption Statement on the same page.

#### 2. Background

- 2.1. Upon application by Battle Town Council (“the Town Council”), as the qualifying body, the District Council designated Battle Civil Parish as a ‘Neighbourhood Area’, under Part 2 of the Neighbourhood Planning (General) Regulations 2012, on 13 April 2015.
- 2.2. Following Regulation 14 consultation on a draft version, a ‘Submission’ version of the Battle Neighbourhood Plan was prepared and submitted to the District Council in November 2020. A formal public consultation on the ‘Submission’ version of the Plan in line with the Regulations took place between 4 December 2020 and 29 January 2021. All duly-made representations were forwarded to an independent Examiner, Mr John Slater, who was appointed by the District Council, with the agreement of the Town Council, to formally review the Neighbourhood Plan, consider whether it met the basic conditions required by legislation<sup>3</sup> and whether it should proceed to referendum.
- 2.3. The examination was undertaken by written representations. The Examiner submitted his report in March 2021 and concluded that, subject to certain modifications, the Neighbourhood Plan met the basic conditions and could therefore proceed to a local Referendum. He also recommended that the referendum area be the designated Neighbourhood Area (Battle Civil Parish).

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<sup>1</sup> In accordance with regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

<sup>2</sup> The development boundary for Battle in the Neighbourhood Plan supersedes that in the 2006 Local Plan

<sup>3</sup> As set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

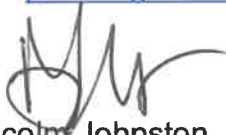
### 3. Decision and Reasons

- 3.1. With the incorporation of the Examiner's modifications, the District Council agreed that the Neighbourhood Plan met the basic conditions and other requirements and could be put forward for a local Referendum. This was held on 16 September 2021. It posed the question "*Do you want Rother District Council to use the Neighbourhood Plan for Battle to help it decide planning applications in the neighbourhood area?*" The outcome was that 1127 (88%) of the 1265 people who voted were in favour of the Plan.
- 3.2. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the District Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the Plan, unless (under Para. 38A(6)) this would breach or would otherwise be incompatible with an EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 3.3. In line with the outcome of the Referendum and having further considered whether making the Neighbourhood Plan would breach or would otherwise be incompatible with any EU obligation or any of the Convention rights, the District Council resolved, at its meeting on 18 October 2021 that:

*The Battle Civil Parish Neighbourhood Development Plan 2019-2028 incorporating the Examiner's modifications, as presented to local Referendum, be "made" with immediate effect and form part of the Council's Development Plan.*

### 4. Availability of documents

- 4.1. The 'made' Battle Neighbourhood Plan, Declaration of Referendum results, SEA Adoption Statement and related documents can be viewed on the Council's website at: <https://www.rother.gov.uk/planning-and-building-control/planning-policy/neighbourhood-plans/battle-neighbourhood-plan/> .
- 4.2. The report to Cabinet in relation to the 'making' of the Neighbourhood Plan can be viewed at: <https://rother.moderngov.co.uk/documents/g614/Public%20reports%20pack%2004th-Oct-2021%2018.30%20Cabinet.pdf?T=10>.
- 4.3. The Full Council minutes are available to view at [c211018 - 3 - Reference from Cabinet.pdf \(moderngov.co.uk\)](#)
- 4.4. For further information, please contact the Planning Policy Team by email at: [planning.strategy@rother.gov.uk](mailto:planning.strategy@rother.gov.uk) or by telephone on: 01424 787000.



Malcolm Johnston, Chief Executive  
Rother District Council

3<sup>rd</sup> November 2021