

CabinetDate and Time - **Monday 8 July 2019 – 5.30 pm**Venue - **Council Chamber**

Councillors appointed to the Committee:

Councillor D.B. Oliver (Leader), S.M. Prochak (Deputy Leader), Mrs C.A. Bayliss, J.H.F. Brewerton, C.A. Clark, Mrs D.C. Earl-Williams, K.M. Field, D.B. Oliver (Leader), S.M. Prochak (Deputy Leader) and J. Vine-Hall.

AGENDA**1. MINUTES**

To authorise the Leader to sign the Minutes of the meeting held on 1 July 2019 as a correct record of the proceedings.

2. APOLOGIES FOR ABSENCE**3. ADDITIONAL AGENDA ITEMS**

To consider such other items as the Leader decides are urgent and due notice of which has been given to the Head of Paid Service by 9:00am on the day of the meeting.

Agenda Item 9 - Forthcoming consultation on the Main Modifications to the Development and Site Allocations (DaSA) Local Plan

4. URGENT DECISIONS

The Leader to give details of those reports that have been referred to the Chairman of the Council to consider designating as urgent, in accordance with Rule 17 of the Overview and Scrutiny Procedure Rules contained within Part 4 of the Council Constitution, and to which the call-in procedure will not therefore apply.

5. DISCLOSURE OF INTERESTS

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the

At the discretion of the Leader, the order of the items set out in the agenda may be varied

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For all enquiries please contact lisa.cooper@rother.gov.uk

Tel: 01424 787813

**Rother District Council aspiring to deliver...
an Efficient, Flexible and Effective Council, Sustainable Economic Prosperity,
Stronger, Safer Communities and a Quality Physical Environment**

Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

6. **CROWHURST NEIGHBOURHOOD PLAN 2018-2018** (Pages 1 - 4)
7. **RYE NEIGHBOURHOOD PLAN 2018-2028** (Pages 5 - 8)
8. **TICEHURST NEIGHBOURHOOD PLAN 2018-2028** (Pages 9 - 12)
9. **FORTHCOMING CONSULTATION ON THE MAIN MODIFICATIONS TO THE DEVELOPMENT AND SITE ALLOCATIONS (DASA) LOCAL PLAN** (Pages 13 - 14)

Dr Anthony Leonard
Executive Director

Agenda Despatch Date: 28 June 2019

Rother District Council

Report to	-	Cabinet
Date	-	8 July 2019
Report of the	-	Executive Director
Subject	-	Crowhurst Neighbourhood Plan 2016-2028

Recommendation to COUNCIL: That the Crowhurst Neighbourhood Plan 2016 - 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.

Head of Service: Tim Hickling
Lead Cabinet Member: Councillor Vine-Hall

Introduction

1. Following an affirmative local Referendum result in relation to the use of the Crowhurst Neighbourhood Plan (CNP) to help in the determination of planning applications in the Parish Neighbourhood Area, this report recommends that it be formally 'made' (adopted) and become part of the statutory Development Plan for the area.

Background

2. Crowhurst Parish Council, as the Qualifying Body (QB), applied for Crowhurst Parish to be designated a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012. The area was designated on 24 November 2015.
3. Following consultation on a draft (pre-submission) Plan, the CNP was submitted to the District Council in November 2018. The CNP and its supporting documents were publicised and representations invited. The period of formal consultation ran from 7 December 2018 to 25 January 2019. Independent examination followed and the Examiner, Ms Liz Beth published her report in April 2019 (dated March 2019), concluding that that the CNP, subject to certain modifications proposed in her report, did meet basic conditions as set out in legislation and is compatible with Schedule 4B of the Town and Country Planning Act 1990 and could therefore proceed to local referendum.
4. On 17 May 2019, the District Council resolved that the Neighbourhood Plan – Submission Plan (as amended in line with the Examiner's proposed modifications) should proceed to local Referendum. This decision and a revised version of the CNP, agreed by the Crowhurst Parish Council (the QB) was published on Rother District Council's website. The 'referendum area' was determined to be Crowhurst Parish as recommended by the Examiner.

Referendum

5. A Referendum was held on 27 June 2019. The referendum question was

'Do you want Rother District Council to use the Neighbourhood Plan for Crowhurst to help it decide planning applications in the Neighbourhood Area?'

6. The results of the referendum were:

Yes = 268 (92%)
No = 22 (8%)
Unmarked or Void = 0 (0%)

Number of Votes = 290
Turnout = 43.54%

Conclusion

7. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' a Neighbourhood Plan if more than half of those voting in a referendum have voted in favour of the Plan being used to help to decide planning applications in the area. This needs to be achieved within eight weeks of the referendum result.
8. The Council has also assessed and concluded that the Plan, including its preparation, does not breach and would not otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). This includes compliance with the newly introduced basic condition regarding compliance with the Habitat Regulations.
9. Therefore, it is proposed that full Council be recommended to formally 'make' the CNP with immediate effect. This will bring it into legal force. The next full Council meeting is to be held on 8 July 2019
10. The principal effect of this is that it will become part of the statutory 'development plan' for the area. Hence, planning applications within Crowhurst Parish will be determined against the CNP, alongside relevant Local Plan policies, also having regard to the National Planning Policy Framework.
11. A specific consequence to draw attention to is the fact that the development boundary for Crowhurst as defined in the 2006 Rother District Local Plan will be superseded by that in the CNP.
12. The decision to make the CNP will need to be publicised and notified to those who had asked to be advised. A statement setting out how environmental considerations have been integrated into the Plan also needs to be published and consultees informed.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

The making of a Neighbourhood Plan is a requirement, with very limited exemptions, once it has been supported by a local referendum. The Council needs to be satisfied that all the 'basic conditions' are met and that the Plan has been properly prepared.

There is an opportunity for legal challenge in the event of perceived failures in these respects, but the Council and the independent Examiner, as well as the Parish Council, has been careful to ensure due process has been followed.

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Rother District Council

Report to	-	Cabinet
Date	-	8 July 2019
Report of the	-	Executive Director
Subject	-	Rye Neighbourhood Plan 2016-2028

Recommendation to COUNCIL: That the Rye Neighbourhood Plan 2016 - 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.

Head of Service: Tim Hickling
Lead Cabinet Member: Councillor Vine-Hall

Introduction

1. Following an affirmative local Referendum result in relation to the use of the Rye Neighbourhood Plan (RNP) to help in the determination of planning applications in the Parish Neighbourhood Area, this report recommends that it be formally 'made' (adopted) and become part of the statutory Development Plan for the area.

Background

2. Rye Town Council, as the Qualifying Body (QB), applied for Rye Parish to be designated a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012. The area was designated on 4 November 2013.
3. Following consultation on a draft (pre-submission) Plan, the RNP was submitted to the District Council in October 2018. The RNP and its supporting documents were publicised and representations invited. The period of formal consultation ran from 16 November 2018 to 11 January 2019. Independent examination followed and the Examiner, Mr John Slater published his report in April 2019, concluding that that the RNP, subject to certain modifications proposed in his report, did meet basic conditions as set out in legislation and is compatible with Schedule 4B of the Town and Country Planning Act 1990 and could therefore proceed to local referendum.
4. On 17 May 2019, the District Council resolved that the Neighbourhood Plan – Submission Plan (as amended in line with the Examiner's proposed modifications) should proceed to local Referendum. This decision and a revised version of the RNP, agreed with the Rye Town Council (the QB) was published on Rother District Council's website. The 'referendum area' was determined to be Rye Parish, as recommended by the Examiner.

Referendum

5. A Referendum was held on 27 June 2019. The referendum question was

'Do you want Rother District Council to use the Neighbourhood Plan for Rye to help it decide planning applications in the Neighbourhood Area?'

6. The results of the referendum were:

Yes	=	677 (85.8%)
No	=	109 (13.8%)
Unmarked or Void		3 (0.4%)

Number of Votes = 789
Turnout = 21.81%

Conclusion

7. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' a Neighbourhood Plan if more than half of those voting in a referendum have voted in favour of the Plan being used to help to decide planning applications in the area. This needs to be achieved within eight weeks of the referendum result.
8. The Council has also assessed and concluded that the Plan, including its preparation, does not breach and would not otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). This includes compliance with the newly introduced basic condition regarding compliance with the Habitat Regulations.
9. Therefore, it is proposed that full Council be recommended to formally 'make' the RNP with immediate effect. This will bring it into legal force. The next full Council meeting is held on 8 July 2019
10. The principal effect of this is that it will become part of the statutory 'development plan' for the area. Hence, planning applications within Rye Parish will be determined against the RNP, alongside relevant Local Plan policies, also having regard to the National Planning Policy Framework.
11. A specific consequence to draw attention to is the fact that the development boundary for Rye as defined in the 2006 Rother District Local Plan will be superseded by that in the RNP.
12. The decision to make the RNP will need to be publicised and notified to those who had asked to be advised. A statement setting out how environmental considerations have been integrated into the Plan also needs to be published and consultees informed.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

The making of a Neighbourhood Plan is a requirement, with very limited exemptions, once it has been supported by a local referendum. The Council needs to be satisfied that all the 'basic conditions' are met and that the Plan has been properly prepared.

There is an opportunity for legal challenge in the event of perceived failures in these respects, but the Council and the independent Examiner, as well as the Parish Council, has been careful to ensure due process has been followed.

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Rother District Council

Report to	-	Cabinet
Date	-	8 July 2019
Report of the	-	Executive Director
Subject	-	Ticehurst Neighbourhood Plan 2018-2028

Recommendation to COUNCIL: That the Ticehurst Neighbourhood Plan 2018 - 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.

Head of Service: Tim Hickling
Lead Cabinet Member: Councillor Vine-Hall

Introduction

1. Following an affirmative local Referendum result in relation to the use of the Ticehurst Neighbourhood Plan (TNP) to help in the determination of planning applications in the Parish Neighbourhood Area, this report recommends that it be formally 'made' (adopted) and become part of the statutory Development Plan for the area.

Background

2. Ticehurst Parish Council, as the Qualifying Body (QB), applied for Ticehurst Parish to be designated a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012. The area was designated on 2 November 2015.
3. Following consultation on a draft (pre submission) Plan, the TNP was submitted to the District Council in October 2018. The TNP and its supporting documents were publicised and representations invited. The period of formal consultation ran from 9 November 2018 to 21 December 2018. Independent examination followed and the Examiner, Mr John Slater published his report in April 2019, concluding that that the TNP, subject to certain modifications proposed in his report, did meet basic conditions as set out in legislation and is compatible with Schedule 4B of the Town and Country Planning Act 1990 and could therefore proceed to local referendum.
4. On 17 May 2019, the District Council resolved that the Neighbourhood Plan – Submission Plan (as amended in line with the Examiner's proposed modifications) should proceed to local Referendum. This decision and a revised version of the TNP, as agreed with the Ticehurst Parish Council (the QB), has been published on Rother District Council's website. The 'referendum area' was determined to be Ticehurst Parish as recommended by the Examiner.

Referendum

5. A Referendum was held on 27 June 2019. The referendum question was

'Do you want Rother District Council to use the Neighbourhood Plan for Ticehurst to help it decide planning applications in the Neighbourhood Area?'

6. The results of the referendum were:

Yes	=	640 (82.5%)
No	=	134 (17.3%)
Unmarked or Void	=	2 (0.2%)

Number of Votes = 776
Turnout = 26.48%

Conclusion

7. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' a Neighbourhood Plan if more than half of those voting in a referendum have voted in favour of the Plan being used to help to decide planning applications in the area. This needs to be achieved within 8 weeks of the referendum result.
8. The Council has also assessed and concluded that the TNP, including its preparation, does not breach and would not otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The Council issued a specific Habitat Regulations Assessment (HRA) screening on the TNP and concluded that an HRA would not be required. Tunbridge Wells Borough Council in their representations argued that the HRA should have looked at the impact on Ashdown Forest SAC. However, Rother District Council confirmed in its opinion, as the Competent Authority, that assessment had been in respect of the work on the emerging Local Plan (Development and Site Allocations) and that further screening was not required. Also the Examiner confirmed that the TNP complies with the newly introduced basic condition regarding compliance with the Habitat Regulations
9. Therefore, it is proposed that full Council be recommended to formally 'make' the TNP with immediate effect. This will bring it into legal force. The next full Council meeting is to be held on 8 July 2019
10. The principal effect of this is that it will become part of the statutory 'development plan' for the area. Hence, planning applications within Ticehurst Parish will be determined against the TNP, alongside relevant Local Plan policies, also having regard to the National Planning Policy Framework.
11. A specific consequence to draw attention to is the fact that the development boundary for Ticehurst as defined in the 2006 Rother District Local Plan will be superseded by that in the TNP.
12. The decision to make the TNP will need to be publicised and notified to those who had asked to be advised. A statement setting out how environmental

considerations have been integrated into the Plan also needs to be published and consultees informed.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

The making of a Neighbourhood Plan is a requirement, with very limited exemptions, once it has been supported by a local referendum. The Council needs to be satisfied that all the 'basic conditions' are met and that the Plan has been properly prepared.

There is an opportunity for legal challenge in the event of perceived failures in these respects, but the Council and the independent Examiner, as well as the Parish Council, has been careful to ensure due process has been followed.

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Rother District Council

Report to	-	Cabinet
Date	-	8 July 2019
Report of the	-	Executive Director
Subject	-	Forthcoming consultation on the Main Modifications to the Development and Site Allocations (DaSA) Local Plan

Recommendation to COUNCIL: That delegated authority be granted to Cabinet to authorise the Main Modifications and, if relevant, Additional Modifications to the Development and Site Allocations (DaSA) Local Plan for a six week public consultation

Head of Service: Tim Hickling
Lead Cabinet Member: Councillor Vine-Hall

Purpose of the Report

1. Due to tight timescales, this report seeks delegated authority for Cabinet to authorise the 'Main Modifications', and if relevant, the 'Additional Modifications' to the Development and Site Allocations (DaSA) Local Plan for a six week public consultation.

Introduction

2. Rother District Council submitted the Proposed Submission version of the Development and Site Allocations (DaSA) Local Plan for independent examination in January 2019 (Minute C18/45 refers). The DaSA implements the development strategy and core policies set out in the adopted Core Strategy. It seeks to allocate sites for particular uses as well as setting out more detailed policies for the effective management of development in relation to key issues.

Development and Site Allocations (DaSA) Local Plan Examination

3. In January 2019, the Planning Inspector, Mr Mike Worden BA (Hons) DipTP MRTPI, was appointed by the Secretary of State to conduct the independent examination into the Plan's soundness and legal compliance and subsequently issue a report with his conclusions.
4. Officers prepared a number of reports at the request of the Inspector to inform the Examination hearings which were held between 8 May – 16 May 2019. Officers and their expert witnesses gave evidence on a number of Matters, Issues and Questions set by the Inspector. Whilst the period for written and oral evidence through the hearing sessions has now closed, the examination process is still open until the Inspector issues his final report.
5. During the examination process, a number of modifications were put forward to the Inspector in response to representations made through the submission and examination process. The Inspector will formally write to the District

Council shortly to ask officers to conduct a further consultation on 'Main Modifications' only (not the entire plan) to the Proposed Submission DaSA Local Plan' to resolve issues in order to make the Local Plan sound (in accordance with paragraph 182 of the National Planning Policy Framework¹) and to ensure its legal compliance. This involves changes or insertions to policies or text that are essential to enable the Plan to be adopted. Alongside these 'Main Modifications' there will be further 'Additional Modifications' which are of a more minor nature and do not materially affect the policies set out in the DaSA Local Plan. These would be mainly points of clarification to amend text for clearer explanation, including updated facts or make typographical or grammatical revisions which improve the readability of the Plan.

6. Once these 'Main and Additional Modifications' are confirmed by the Inspector, there will need to be a six week consultation inviting representations in line with the relevant Regulations². The Council's Constitution requires the relevant Council approval to undertake this consultation in due course; however, due to the tight timescales, authority is being sought for Cabinet to approve the consultation modifications.

Consultation Timeframe

7. Given that the Core Strategy is nearing 5 years old and the importance of the DaSA Local Plan in supporting the development targets in the adopted Core Strategy (outwith of Neighbourhood Plan Areas) and providing effective management of development, it is imperative this consultation commences with speed. This will allow officers to undertake the consultation, and to compile and submit consultation responses to the Planning Inspector as promptly as possible after the period for representations has closed. This is so that there is the best possible chance to receive the Inspector's Report and adopt the DaSA at September full Council prior to the Core Strategy becoming more than five years old.
8. Therefore, in order to ensure that there is the best possible chance in adopting the DaSA Local Plan before the Core Strategy becomes five years old, Council is requested to grant delegated authority to Cabinet to approve the 'Main Modifications' and if relevant, the 'Additional Modifications' for consultation in due course.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

The lack of an adopted DaSA Local Plan would frustrate the proper planning of the district and lead to a likely increase in speculative planning applications as there would be no plan-led approach to development in the district. The absence of a DaSA Local Plan would make demonstrating a five year supply of housing land more difficult to achieve in the future and likely result in planning applications being approved on appeal.

¹ 2012

² Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)+
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