

**EAST HOATHLY WITH HALLAND NEIGHBOURHOOD PLAN 2022-2039**

**SUBMISSION VERSION**

**REPORT OF EXAMINATION**

**By**

**Christopher Lockhart-Mummery KC**

**Independent Examiner**

**April 2024**

## **SUMMARY**

I was appointed by Wealden District Council (WDC) with the support of East Hoathly with Halland Parish Council on 15 February 2024 to undertake the examination of the submission version of the East Hoathly with Halland Neighbourhood Plan 2022-2039 (the NP).

A neighbourhood area was designated by WDC on 7 August 2017 for the whole of the Parish area. The area is shown on Figure 1 of the NP.

A Consultation Statement (Version 4, updated 24 November 2023) sets out the local engagement and consultation undertaken. I am satisfied that the level of consultation amply met the relevant statutory requirements.

I decided that the statutory conditions for the holding of a hearing did not exist, and the examination proceeded on the basis of the documents only, together with responses to my request for further information, and my visit to the area.

I conclude that overall the NP is well-evidenced, well-researched and clearly laid out. While it proposes no development allocations, it presents a set of generally clear policies to guide future sustainable development proposals.

An obvious defect of the NP as submitted was that it did not accord with national planning guidance that NP's should be clear, concise and succinct. The submitted NP was significantly too long. This length would prejudice its qualities for being a focussed, user-friendly document. It is regrettable that the PC did not heed the advice of WDC at the Regulation 14 stage in this respect, and address this defect themselves. It has been left to this examination and report to recommend steps to shorten the NP.

Together with the above concern, I found a number of instances where modifications are required to conform with the basic conditions.

I recommend that, subject to those modifications being made, the NP should proceed to referendum.

I see no reason why the area of the referendum should differ from the plan area.

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## **Introduction**

1. I was appointed on 15 February 2024 by Wealden District Council (WDC) with the agreement of East Hoathly with Halland Parish Council (the PC), as qualifying body, to undertake the examination of the Submission Plan version of the East Hoathly with Halland Neighbourhood Plan 2022-2039 (the NP).
2. I am a King's Counsel with over 40 years' experience of planning law and practice. I am a member of the NPIERS Panel of Independent Examiners. I am independent of any local connections or interests, and have no conflicts of interest.

## **East Hoathly with Halland in context**

3. On 7 August 2017 WDC designated, at the request of the PC, a neighbourhood area for the whole of the Parish. The neighbourhood area is shown on Figure 1 of the NP.
4. The context of the NP is admirably described in Section 2 of the NP, Context. Paragraphs 16-19 state:

*“16. The Parish of East Hoathly with Halland comprises the Village of East Hoathly and the smaller settlement of Halland 2 Km to the West of East Hoathly....East Hoathly is a village located on the old route of the A22, but now benefits from a bypass opened in 1992. Halland is a small, linear settlement bisected by the A22 and the B2192. The rural hinterland of the Parish is scattered with farmstead developments and associated rural cottages.*

*17. The Parish is located 6 Km South East of Uckfield and 10 Km North West of Hailsham that are both market towns connected by the A22. It is located in the Low Weald landscape which is between the High Weald Area of Outstanding Natural Beauty (AONB) to the North and the South Downs to the South. Its slightly elevated position affords wide ranging views southwards to the South Downs National Park.*

*18. The Parish is a rural, largely agricultural landscape with several historic farmsteads. The farmland is liberally scattered with woodland much of which is designated as Ancient Woodland*

*and a large network of hedgerows over 50% of which are recorded as Species Rich...*

*19. East Hoathly has significant and attractive green approaches. The three roads entering the Village are generally tree lined with green verges and open vistas across pasture and into woodland...Halland also sits in a rural setting with attractive green approaches.”*

5. There are several heritage assets in the Parish. These include 34 listed buildings and a Scheduled Monument. The majority of the listed buildings are in the designated East Hoathly Conservation Area (re-designated in 2017).

### **The Local Plan**

6. The development plan (not counting waste plans) for the area comprises three adopted planning documents, summarised at paragraph 26 as follows:
  - a. **Wealden LP 1998** – This covered the period 1994 to 2004. WDC has saved...some of the policies from this plan and these are also available to view on the WDC Website. In the Wealden LP 1998, Halland and East Hoathly had Development Boundaries but no allocation of housing.
  - b. **Wealden Core Strategy LP 2013** – This covered the period 2006 to 2027. The Wealden Core Strategy LP 2013 removed the Development Boundaries and allocated no housing allocation for the Parish.
  - c. **Wealden Affordable Housing Delivery LP 2016** – This had no time period specified and is only related to the provision of Affordable Housing. This policy superseded WCS 8 in the Wealden Core Strategy LP 2013. No allocations of housing were included.

7. Table 6 of the Basic Conditions Statement (Version 6, updated 24 November 2023) sets out the position of the PC as to the conformity of the NP policies with the adopted development plan.
8. WDC has for some time been seeking to promote a new local plan to supersede the current adopted version. The latest Regulation 18 draft LP was agreed by Full Council on 8 February 2024 to go out for consultation. The consultation runs from 15<sup>th</sup> March 2024 to 10<sup>th</sup> May 2024. This draft document confirms that East Hoathly is a Type 4 settlement (secondary village) that is considered a “sustainable settlement” within the proposed settlement hierarchy.

### **Evolution of the NP**

9. The Neighbourhood Planning (General) Regulations 2012 set out a legal requirement at Regulation 15 that the submission of a neighbourhood plan proposal to the local planning authority must include certain documents, amongst which is a “consultation statement”. The Consultation Statement (CS) was duly published and submitted. I was supplied with the updated version of the CS (Version 4) dated 24 November 2023.
10. Comprehensive details of the consultation and engagement carried out are set out in the CS. Regulation 14 consultation took place between 31 January 2023 and 14 March 2023. All responses were considered by the NP Steering Group and Parish Councillors in a series of meetings. Agreed revisions to the NP and the draft CS were approved by the PC.
11. The revised NP (Version 19 – 26 August 2023) was submitted under Regulation 15 to WDC in November 2023. WDC carried out Regulation 16 consultation between 8 January 2024 and 26 February 2024. 24 responses were received. I have carefully considered all of them, and the comments made by WDC.
12. I am satisfied that the level of consultation carried out amply met the statutory requirements.

### **SEA and HRA**

13. In February 2022 WDC made a Screening Opinion under the SEA Directive and the UK SEA Regulations 2004 to the effect that SEA was not required for the NP.
14. Also in February 2022 WDC determined, under the Habitats Directive and the UK Habitats Regulations 2017 that an Appropriate Assessment of the NP was not required.
15. I have no reason to doubt either of the above. Both assessments were largely as a consequence of the fact that the NP proposes no housing (or other) development allocations.

### **The Examination Process**

16. I referred to my appointment above. The examination commenced on 18 March 2024.
17. On 18 March 2024, having read all the papers, I notified WDC that the statutory conditions for the holding of a hearing did not exist, and that the examination would therefore proceed on the basis of the documents only together with my visit to the area.
18. I raised certain minor queries with WDC and the PC, and received helpful responses on 21 March 2024.
19. I visited the area on 29 March 2024. I should emphasise (as I do below) that this visit was very influential on the judgments I have made in relation to proposed Local Green Spaces (LGS).



### **Basic Conditions - General**

20. Schedule 4B paragraph 8 to the Town and Country Planning Act 1990 provides that a neighbourhood plan meets the Basic Conditions if it meets those specified in paragraphs (a), (d), (e), and (f). One further basic condition has been prescribed under paragraph 8(2)(g), as follows:

*“The making of the Neighbourhood Development Plan is not likely to have a significant effect on a European Site...or a European Off-shore marine site...either alone or in combination with other plans or projects”.*

21. As the courts have frequently emphasised, as I do now, the role of a Neighbourhood Plan Examiner is tightly constrained. It is (apart from dealing with other statutory requirements referred to at paragraphs 26-30 below) confined to considering compliance with the basic conditions. The Examiner cannot consider anything else: paragraph 8(6) of Schedule 4B of the Town and Country Planning Act 1990. Therefore the Examiner is not able to consider whether – as would be the case for a local plan – the NP is “sound” (in accordance with paragraph 35 of the NPPF). Accordingly, the Examiner can only consider the content of the NP (the planning judgments made, the choices made, the physical aspects regarded as important etc.) insofar as those matters impact on the basic conditions. This inevitably limits, significantly, the extent to which it is proper to respond to what I might call wider “planning merits” points made by some representors.

22. National planning guidance advises in relation to the preparation of neighbourhood plans (41-040-20160211) that:

*Proportionate robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain **succinctly** the intention and rationale of the policies in the draft neighbourhood plan... (my emphasis).*

23. Parallel advice is given (41-041-20140306) as to the drafting of policies:

*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when*

*determining planning applications. It should be **concise, precise** and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared (my emphasis).*

This has guided me in a number of my comments on the policies and text in the NP.

24. The advice in the above two paragraphs has particularly guided me in relation to my criticisms (below) as to the length of the NP.
25. I address the criteria in the basic conditions where relevant as I assess, below, the contents of the NP.

#### **Other statutory requirements**

26. These are set out in the Town and Country Planning Act 1990 (as amended) and sections 38A-38C of the Planning and Compulsory Purchase Act 2004.
27. The NP was prepared and submitted for examination by a qualifying body: section 38A.
28. It has been prepared for an area designated under section 61G of the 1990 Act.
29. The NP meets section 38A(2) in that it sets out policies in relation to the development and use of land in the neighbourhood area.
30. Section 38B requires the NP to specify a period for which it is to have effect. This is complied with (2022-2039). It contains two further requirements which are complied with, namely that the NP may not include provision about development which is excluded development, and may not relate to more than one neighbourhood area.
31. As indicated above, the remit of this examination is significantly more limited than is the case for a local plan examination, but is confined to compliance with

the above statutory requirements. Where a particular policy and/or supporting text does not raise any such compliance issues I shall make limited comment accordingly. My main comments and consequent recommendations therefore relate to passages where modifications are required.

### **Assessment of NP**

#### *Length and layout*

32. As shown in paragraphs 22-23 above, national planning guidance advises that policies and supporting text in a neighbourhood plan should be succinct, concise and precise. The obvious purpose of this guidance is to lead to neighbourhood plans that will tell those taking an interest in the “development and use of land” in the area (2004 Act s.38A(2)), whether those seeking to promote development, or those seeking to comment, shortly and clearly what relevant policy applies.
33. The NP proposes no allocations. It contains no proposed designations of land use other than LGS. The extent to which its guiding theme is a cautious approach to change – this is not a criticism – is starkly shown by the fact that the only Policies Maps (Figures 12 and 13) relate to LGS. Yet it runs to 236 pages (including Annex’s). This is far too long. This criticism will underlie many of my Recommendations.
34. As WDC point out – and did so at the Regulation 14 stage – the Housing and Housing Design chapter has 39 pages of supporting text before there is a policy. I will return to this theme below.

#### *Updating*

35. The NP should address the position obtaining at the point when it becomes finalised, that is to say “made” – hopefully, following the future stages involved, some time in the coming months. To that end:

- (1) In the interests of brevity, the reader does not need to be told about earlier stages of the process. I therefore **Recommend** that, on page 8, the heading Process and paragraphs 9 and 10 should be deleted. The remaining paragraphs (11-14) can remain, re-numbered.
- (2) All policy and data references should be updated to the latest available reference. This applies to the NP itself, not the supporting documents. So all references to the (superseded) NPPF should be amended to accord with the latest (2023) version. Where more up-to-date census material is available since the 2011 census, i.e. the 2021 census, it should be referenced. All references to guidance/reference documents published by WDC and East Sussex County Council should be updated. By way of example only, paragraph 177 should refer to the Wealden District Council Open Space Assessment 2022 only. I so **Recommend**.

### Section by Section

#### Section 1

36. Paragraph 2 states that the Plan Period is to be 2022 to 2039. This should be specified on the front cover: I so **Recommend**.
37. In relation to paragraph 4a., for reasons given above, the last phrase “and an explanation of the process and guidelines to be followed” should be deleted, and the word “and” inserted in the second line before “the setting up...”.
38. In relation to paragraph 4d.(1), in view of my recommendations relating to the Housing section, I **Recommend** that the first section of this text be deleted, and replaced by: “The first part of this Section addresses Housing Development with an examination of housing stock and housing issues in the Parish”. In relation to sub-paragraph (3) the reference to 15 Local Green Spaces should refer to 13, for the reasons given in paragraph 62 of this report and following.

39. Paragraph 4e. should be deleted: Section 11 does not exist.

### Section 2

40. In paragraph 15, in the interests of brevity I **Recommend** that the last three sentences be deleted (being the reference to previous WDC draft plans).
41. In paragraph 17 the reference to AONB should be replaced by National Landscape.
42. In relation to paragraphs 27-28 and in the interests of brevity, it is not necessary – and is distracting from the present purpose of the NP – to refer to previous WDC draft plans which did not progress. I **Recommend** that paragraphs 27 and 28 be deleted. Likewise Annex A should be deleted.

### Section 3

43. In paragraph 31, to reflect the approaching revised Wealden LP, in line 2 the word “currently” should be inserted between “this” and “includes”. In the interests of clarity the last phrase “and any new Wealden LP...conflict” should be deleted and replaced by: “and the latest policies to be adopted will take precedence if there is a conflict between policies”.

### Section 4

44. There is a good deal that is unsatisfactory around Policy 1 Housing and Policy 2 Housing Design – Resource Efficiency. Policy 1 is preceded by 39 pages of allegedly supporting text. There are several matters of concern in relation to this text. First, as correctly pointed out by WDC, much of this material – under the headings of Sustainability and Infrastructure – reads like an essay on why the position of East Hoathly within the existing settlement hierarchy is incorrect, and that East Hoathly should be reclassified as an “unsustainable settlement”. This is quite inappropriate. It is not for the NP to define or consider the

sustainability status of East Hoathly. This is a strategic matter and is currently being considered by WDC as part of the emerging LP. The latest Regulation 18 draft LP was agreed by Full Council on 8 February 2024 (and is currently at consultation), which confirms that East Hoathly is a Type 4 settlement (secondary village) that is considered a “sustainable settlement” within the settlement hierarchy. Second, these pages confusingly address several topics not directly related to Policies 1 and 2.

For these reasons, and in the interests of brevity I **Recommend**:

- (1) That paragraph 33 be deleted and replaced by: “Annex XXX provides background evidence on Sustainability and Infrastructure”.
- (2) That paragraphs 34-77 be deleted from the NP, and placed in an Annex XXX entitled Sustainability and Infrastructure.
- (3) That paragraphs 99-112 (under the headings of Vehicles etc.) be removed from this location, and placed within Section 9 (I suggest before the section headed Car Parking. To avoid having two headings of Car Parking in Section 9, I suggest that the existing paragraphs on Car Parking in Section 9 are added to those relocated from Section 4).
- (4) That paragraphs 113-116 under the heading Demography be removed from their present location and placed under the heading Housing (presently on page 48) before the present paragraph 78.
- (5) That paragraphs 117 and 127 be deleted.

45. My Recommendations may not be the tidiest solution to the defects I have identified, but short of re-writing large sections (which would be inappropriate) it is the most practical solution.

46. I turn to Policy 1, Housing. In agreement with WDC, and to be consistent with its evidence base which also shows a need for 3 bedroom houses (as well as 1-2 bedrooms) I **Recommend** that in lines 4/5 “one or two bedrooms” should be deleted and replaced with “one, two or three bedrooms”. I also **Recommend** the

deletion of the last sentence of paragraph 83 of the text (referring to 4+ bedroom homes).

47. Policy 2 is headed Housing Design – Resource Efficiency. Policy 3 goes on to address Layout and Materials. Commenting first on the supporting text, paragraph 123 sets out recommendations a.to m. derived from the Character Area Appraisal. These are very largely repeated in P3.2 of Policy 3. There is no need for both. I **Recommend** that paragraph 123 is deleted and replaced by: “The Character Appraisal made a number of recommendations based on the identified detractors, which have been incorporated into the design policy”.
48. Paragraph P2.2 of Policy 2 as written is ambiguous – it is not clear whether it is to apply to renewable energy schemes in residential development, or in general. The PC advised that the former is intended. I therefore **Recommend** that after “renewal energy schemes” in line 1, there be added “within housing developments”.
49. Policy 3 addresses the Layout and Materials topics for housing design. Paragraph P3.1 commences by stating “All new developments...”. to reflect the heading and the context, I **Recommend** that “Housing” be inserted between “new” and “development”. Likewise in the last paragraph of P3.1, “Housing” should be inserted before “development proposals”.
50. I assume that the reference to the National Design Code should be to the National Design Guide. If this is the case, it needs to be amended.
51. Paragraph P3.2 refers to 17 of the recommendations set out at paragraph 302 of the Character Appraisal. There is no need for this duplication, which unnecessarily adds to the length of the NP. I **Recommend** that paragraph P3.2 be deleted and replaced by: “Development that maintains or enhances the character of the area, having regard to the character assessment and its recommendations, would be supported”.

52. Turning to Section 5 – Conservation, and in agreement with WDC, paragraph 128 is confused. I **Recommend** that the text from “It applies to” to the end be deleted and replaced by: “It applies to designated heritage assets and their settings including Listed Buildings, Scheduled Monuments and the Conservation Area and non-designated heritage assets and their settings, including sites of archaeological interest”.
53. The last sentence of paragraph 134, dealing with the Bow Bells milestones states: “These historic milestones should be protected and the Parish Council will seek to get them designated as Heritage Assets”. The objective is to elevate the status of these objects to listed buildings. Accordingly, the last phrase should be amended to “The Parish Council will seek to get those milestones in the Parish designated as listed buildings”. (Aspiration A2.1 should be amended to be consistent with this).
54. Paragraph 135 advises as to the assets which can be candidates for inclusion on a Local List of non-designated heritage assets. To accord more closely with the advice from Historic England (see footnote79) I **Recommend** that the term “assets associated with” be inserted before paragraphs c. d. and g.; that paragraph f. be deleted; and that paragraph g. should include “or landscapes” at the end.
55. In Policy 4, P4.1 implies that the Conservation Area is not a designated heritage asset. I **Recommend** that it should be amended to read: “Proposals for new development that preserve or enhance designated heritage assets, including the Conservation Area, and their settings, will be supported”. In P4.2, second line, “be” should be replaced by “are”. P4.3 should be deleted, since not all applications have to consult the Historic Environment Record.
56. Turning to Assets of Community Value, in agreement with WDC this topic does not sit well within the Conservation section, as the reasons for designation relate to social wellbeing and the social interests of the local community rather than any conservation value. I therefore **Recommend** that the heading to paragraphs



141-143, and those paragraphs, be deleted, together with Aspiration A3.1 (and its heading).

57. The next sub-section addresses Dark Skies. This sub-section would sit better within Section 6, Natural Environment. I therefore **Recommend** that this sub-section should be removed from Section 5, and transposed so as to come after Policy 6 (and before the Greenspaces section), with appropriate re-numbering. In what is presently P5.1 in Policy 5, last line, the word “light” should be inserted before “radiating upwards”.
58. In Section 6, Natural Environment, paragraph 165 addresses the relationship between new development and the capacity of the sewerage network. Southern Water, however, cannot object to a planning application on capacity grounds. I therefore **Recommend** that paragraph 165 be deleted. Table 9 can remain, and should be referred to as such in paragraph 164, i.e. not Table 10.
59. The last sentence of paragraph 170 should be deleted and I so **Recommend**. It is not for a NP to state what WDC officers should be doing.
60. In paragraph P6.5 of Policy 6, the first sentence should be amended to read: “Development proposals that seek to conserve biodiversity will be supported where they....”. Paragraph P6.5f. should be deleted and replaced by: “Provide surface water disposal from sites in accordance with the national surface water drainage hierarchy and the East Sussex SuDS drainage hierarchy”.
61. Policy 7 addresses Local Green Spaces (LGS). Fifteen LGS are proposed, fourteen in East Hoathly and one in Halland. National planning policy in relation to LGS is set out in paragraphs 105-107 of the NPPF 2023. Detailed assessments (including for those spaces originally proposed which did not survive to the submitted NP) are set out in Annex L. I have carefully reviewed each of the fifteen proposed LGS against the NPPF, a process very strongly guided by my inspection of each space. I note the comments of WDC, from which I have differed in several cases.

62. I find that LGS 1, 2, 4 and 6-14 and 20 meet the criteria and should be designated LGS. (I note that there should be a boundary modification in relation to LGS 1 to accord with the housing allocation EH3; the boundary of LGS 4 should be checked to ensure that it is compatible with adjoining residential development).
63. LGS 3 – this comprises nearly 19 ha. In my view, and in the context of East Hoathly, this is “an extensive tract of land” for the purposes of paragraph 106(c) of the NPPF. It should not qualify as LGS for that reason. Furthermore, it is already heavily protected by virtue of its status as Ancient Woodland (together with the Scheduled Monument in the body of the site). As advised in NPPG (37-011-20140306) it is doubtful that any additional local benefit would be gained by its designation as LGS. It has been suggested that the designation might be confined to the area of the Scheduled Monument. However, that would raise the same consideration as just noted. I therefore conclude that LGS 3 should not qualify.
64. LGS 5 – this area of land may meet the NPPF criteria, subject to one qualification, namely that designating land as LGS “should be consistent with the local planning of sustainable development...”: paragraph 105 NPPF. This site has been deemed suitable for residential development within the 2019 and 2024 SHELAA processes. It is allocated for development in the Regulation 18 LP for 20 dwellings. The distinctive circle of oaks in the body of the site is subject to a TPO and preserved as a landscape feature in the development proposals, as set out in the current planning application. I therefore conclude that this site should not qualify as LGS.
65. I therefore **Recommend**:
- (1) That in Policy 7, LGS 3 and LGS 5 should be deleted.
  - (2) That Figure 12 should be amended accordingly.
  - (3) That paragraph 181 of the text should be deleted and substituted by: “Following the examination of the NP, 13 LGS are designated in Policy 7”.

66. I further **Recommend** that in the interests of brevity Annex L be deleted from the NP and re-published as a separate evidence/background document.
67. Paragraph P7.1 of Policy 7 (the introduction) does not accord with the NPPF. I therefore **Recommend** that it be deleted and replaced by a shortened version: “This Parish designates the following locations as Local Green Spaces as shown on the Policies Map for East Hoathly and the Policy Map for Halland. Development on these local green spaces will not be supported other than in very special circumstances (as specified in the NPPF paragraphs 152-156)”.
68. I have no comment on the Health and Wellbeing part of Section 7.
69. Section 8 deals with Business. P8.1 of Policy 8 considers changes of use from business to residential use. The non-viability of business use does not have to be demonstrated where permitted development rights apply, so I **Recommend** that the “and” at the end of paragraph a. be substituted by “or”. In paragraph b. the second sentence should commence with “When”, not “Were”.
70. In relation to P8.2, and in agreement with WDC, the criteria in a. and b. are not supported in the development plan or the NPPF, and are too onerous. I **Recommend** that P8.2 be deleted, and that in line 1 of P8.1 the existing text be deleted and replaced by: “The loss of land or buildings currently in business use will be supported only if...”, and in P8.1b. “They have demonstrated” be deleted and replaced by “It is demonstrated...”.
71. In relation to P8.3, care homes cannot readily be described as “employment sites”. However, I recognise the desire to retain the existing care homes uses. For the sake of clarity, I **Recommend** that, in line 1, after “key employment sites” there be added “(including care homes)”. For the same reason, I **Recommend** the deletion of “employment” in line 1 of P8.4. Further, in keeping with development plan and national policy, the improvement of other business sites should also be supported. I therefore **Recommend** that in line 2 of P8.4 before “will be supported” there be inserted “and other business uses”.

72. P8.5 seeks to prevent changes of use of ground floor commercial premises to residential use. Such changes are, however, generally permitted development under Class MA of the GPDO. Accordingly I **Recommend** that after “residential” in line 2 there be added “which are not permitted development”.
73. I have no comments on Section 9.

### **Conclusions and Recommendations**

74. I commend the PC and its advisers on the preparation of a NP which is well-evidenced, well-researched and clearly laid out. Whilst it proposes no development allocations, it presents a set of generally clear policies to guide future sustainable development proposals.
75. The most obvious defect of the NP is that it does not accord with national guidance that neighbourhood plans should be concise and succinct. The submitted NP is significantly too long. This length prejudices its qualities for being a focussed, user-friendly document. It is regrettable that the PC did not heed the advice of WDC at Regulation 14 in this respect, and address this defect themselves. It has been left to this examination and report to recommend steps for compliance with this aspect of national guidance.
76. In its submitted form, therefore, the NP would not comply with national guidance in the above respects. It would so comply if my recommended modifications are made. More widely, it would meet the basic conditions if those modifications were made.
77. I therefore **Recommend** that, subject to the above modifications, the NP proceed to referendum.
78. I see no reason why the area of the referendum should differ from the plan area.

79. I regard it as within the powers of WDC not only to correct any errors in the NP not identified in this report, but also to make truly minor amendments which do not affect the substance of the NP or this report.

**Christopher Lockhart-Mummery KC**

**Examiner**

**April 2024**