

Peasmarsh Neighbourhood Development Plan 2021 - 2039

Notice of Public Hearing

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

14th July 2023

The Need for a Public Hearing

1. Following my Initial Comments document, which I published on 26th May 2023, I received responses from both Rother District Council and Peasmarsch Parish Council.
2. Based on the responses, and my consideration of the Regulation 16 representations, I have concluded that I do need to call for a public hearing. A public hearing will provide me with an opportunity to receive oral evidence on a limited number of questions, which I have set out both in paragraph 4 and also at the end of this Note. Whilst it is usual for most neighbourhood plan examinations to be conducted via written submissions only, the legislation does allow for the holding of a public hearing.
3. There are also some residual matters which can be dealt with by further written submissions which I will set out in a later section of this note.

Issues to be Covered at The Hearing

4. The main areas that the hearing will concentrate upon can be summarised by the following questions:
 - What is the amount of housing development that is appropriate for the village, for the period up to 2039, particularly having regard to the size of the existing Local Plan allocation site, the proposed housing allocations, and other sites that the plan indicates can be supported, if development constraints can be overcome and is the parish's location within an AONB a limiting factor?
 - Is the extent and the capacity of the existing drainage infrastructure a constraint on how much development can be accommodated in the parish over the plan period? What should be the expectations placed on developers to provide any infrastructure improvements necessary to facilitate their development?
 - Are concerns regarding surface water flooding capable of being overcome by the use of Sustainable Drainage solutions or should sites which are known to flood be subject to sequential testing?
 - Where should the new homes be allocated, having regard to the proximity to local services, and should sites some distance from the village's development boundary be allocated, especially if the sites are for purely affordable housing?

Arrangements for the Hearing

5. Having liaised with both Rother District Council and Peasmarsch Parish Council, I can confirm that the hearing will commence at **9.30am on Thursday 21st September 2023** in The Memorial Hall, Main Street, Peasmarsch, TN31 6YA. I am confident that the hearing can be completed in one day.
6. The hearing is open to the public to attend; however, the conduct of a neighbourhood plan hearings, 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 Peasmarsch Parish Council and the Local Planning Authority, Rother District Council.
7. It is open to me to invite other parties and I would like Rother District Council to issue an invitation to Catherine Adamson, or another representative of Southern Water, to contribute to the discussions regarding the capacity of the drainage situation to deal with new development and how any required improvements should be funded.
8. I would also like to invite the participation of Will Laing from the Ethical Partnership (North East) Ltd who has made representations on behalf of Viscount Devonport, to contribute to the discussion on the scale and location of new development and issues relating to sites affected by surface water flooding as well as the discussion on housing levels within the village.
9. A number of identical letters were received regarding the inclusion of the Cornerways site and I would like to invite the participation of a spokesman representative of the persons opposing the allocation to take part in the discussion on site allocations.
10. I have no objections if any party wishes to film or record any part of the proceeding or to use social media. However, to be clear, members of the public will not be allowed to take part in the proceedings.
11. It is for the me, as the Examiner, to decide how the hearing is to be conducted. In particular, I will 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.

12. We will take a short break during the morning session. I will have an adjournment for lunch at a suitable moment in the proceedings. I expect that we will need to continue into the afternoon and again I will include a mid-afternoon break if it is needed.

Agenda

13. The agenda will be as follows:

- **Opening remarks-** by myself as Examiner
- **Opening statement** by Peasmarsh Parish Council – I would like to offer the opportunity to the Parish Council to introduce and set out its overall approach to the neighbourhood plan. I would suggest that 10 minutes should be sufficient.
- **Discussion based on my individual questions:** These will look at the questions which I have attached to this note. It may be that the order that the matters are covered will change depending upon how the discussion evolves.
- **Examiners Closing Remarks**

Site visits

14. I carried out an unaccompanied site visit to Peasmarsh in May. I consider that it would help the discussion at the hearing and my full appreciation of the sites, if an accompanied site visit were to take place on the day before the hearing i.e. Wednesday 20th September 2023.

15. I propose to visit the following sites:

- Flackley Ash PM01
- Woodside PM02
- Tanhouse PEA025
- Old Football Ground site PM03
- Oaklands Site PEA01
- Pippins - Local Plan allocation site
- Tanyard PEA024
- Cornerways PEA L01

16. I would like to be accompanied by a representative of the Neighbourhood Plan Steering Group. I would also extend an invitation to a member of the planning staff at Rother District Council who will be attending the hearing. Can I leave it to the Parish Council to make contact with any landowners to arrange access onto the site, unless the site is accessible by a public right of way?
17. I have no objections to any landowner or their representative being with us when we are on their land but the purpose of the site visit is not to take representations, but rather for me to become familiar with the site and to have any points of interest pointed out such as access points. I propose to leave it to the Parish Council to plan a route and I suggest we meet outside of the Memorial Hall at 10 am on Wednesday morning. I am happy to drive.

Publicity

18. Please can this note be placed on the appropriate district and parish council's respective websites. I would also ask that the District Council, prepares a notice, to give publicity to the hearing, within the village, for example, by placing posters on parish council notice boards or through press releases or social media, advertising that the hearing will be taking place and that the public can attend (but not participate in the proceedings). I have appended a sample notice at the end of the note.

Matters to be Dealt with Written Submission

19. In its response to my Initial Comments, the Parish Council stated that it had only received a summary of the Regulation 16 consultation responses. Can I ask Rother to provide copies of the actual submissions to the Parish Council?
20. In a number of cases, the Parish Council stated that it could provide amended maps e.g. in terms of arcs of visibility for Policy L1. I can also confirm the sample OS based map for the Local Green Space was perfect and so I would ask that the other maps be prepared in respect of the other Local Green Spaces and also for the 4 allocation sites.
21. In a number of instances, the Parish Council in its response said that it would welcome any guidance on how policy wording could be improved. As a first step, I would ask for Rother planners to

work with the Neighbourhood Plan team, to look at the wording and perhaps put to me possible revised wording that I could then consider to make as a recommended modification in my report. It would be better for that work to take place locally and by discussion, rather than necessarily being imposed by me, as my role is limited to changes necessary to meet the basic conditions and other legal requirements.

22. The Parish response referred to the Rural Affordable Housing sites in Ickenham parish. It would help me understand the issue, if I could be sent further details of what has taken place there, as it is being seen as a template for Peasmarsh.

23. In order that the examination can conclude expeditiously after the hearing has taken place, I would ask for these written submissions to be sent to me, and placed on the respective websites, by 5pm on 8th September 2023.

John Slater BA (Hons), DMS, MRTPI, FRGS

John Slater Planning Ltd

Independent Examiner to the Peasmarsh Neighbourhood Plan

14th July 2023

Questions to be Discussed at the Hearing

- Bearing in mind the timeframe of the plan extends to 2039, what is the appropriate amount of housing that the plan should be making provision for within the neighbourhood area? Should it be merely based on the stated capacity of the identified sites, which would be the existing Local Plan allocation site- Pippins, the proposed 4 housing allocations, and two other potential sites that the plan indicates can be supported once development constraints can be overcome, namely Oaklands and Old Football Ground, if other sites are not delivered, plus windfall sites? Is the parish's location within an AONB a limiting factor? How realistic is it for Policy H1 to require that all housing development in the parish should be affordable homes only and for windfall sites to be for a maximum of 3 – 4 units, irrespective of the size of the site?
- Is the extent and capacity of the existing drainage infrastructure a constraint on how much development can be accommodated in the parish over the plan period, as well as when and where that development should take place? What should be the expectations placed on developers to provide any infrastructure improvements necessary to facilitate their development?
- Are concerns regarding surface water flooding, which led to some sites being discounted, capable of being overcome by the use of Sustainable Drainage solutions or should sites which are known to flood be subject to sequential testing as set out in the NPPF?
- Where should sites for new homes be allocated in the parish? What should be the determining criteria for their selection so that they delivering sustainable development – should the proximity to local services be the primary consideration, and should sites some distance from the village's development boundary be allocated, especially if the sites are for purely affordable housing? Is there scope for revising the development boundary towards the west to reflect the role of the Jempson store as a service centre for the village?

Sample Notice

ROTHER DISTRICT COUNCIL NOTICE OF PUBLIC HEARING

PEASMARSH NEIGHBOURHOOD PLAN

Rother District Council hereby gives notice of a public hearing relating to the Peasmarsh Neighbourhood Plan submitted for examination under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

A copy of the submitted neighbourhood plan is available via the following link:

[Insert link to submitted version of the neighbourhood plan](#)

The independent examiner of the Peasmarsh Neighbourhood Development Plan, John Slater BA, DMS, MRTPI, FRGS, having read the plan, supporting documents and representations, has considered it is necessary to call a Hearing under the provisions of Schedule 4B of the Town and Country Planning Act 1990, as amended by the Localism Act 2011.

The Hearing will commence at **10.00 am on 21st September 2023** at:

The Memorial Hall, Main Street, Peasmarsh, TN31 6YA

It should be noted that any member of the public may attend the hearing, however, only specific persons, at the examiners discretion, may make oral representation, in accordance with Paragraph 9(3) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

Further updates regarding the examination of the Peasmarsh Neighbourhood Plan, including in respect of the hearing, will be available via the following link:

[Insert link to RDC's Peasmarsh NP webpage](#)