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(C)

Mrs C Hodgson
Sedlescombe Parish Council
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Church Road
Catsfield
TN33 9DP

Cc Cllr A Ganly RDC
Dr A Leonard (Exec. Director of Business Ops. RDC)
Mr David Marlow (Planning Policy Manager RDC)
Mr J Collins (Monitoring Officer RDC)
All Sedlescombe PC members
MJH Homes c/o Armstrong Rigg

29th August 2016

Dear Mrs Hodgson

SEDEScombe DRAFT NEIGHBOURHOOD PLAN CURRENT CONSULTATION AND PLANNING APPLICATION RR/2016/1837/P STREET FARM BREDE LANE

It is obvious that the current consultation being carried out by Sedlescombe PC on the 2016 draft village neighbourhood plan is not in accordance with Regulation 14 of The Neighbourhood Planning (General) Regulations 2012 as amended in 2015.

Regulation 14 clearly refers to making REPRESENTATIONS regarding THE PLAN. This unarguably means it is the duty of the Parish Council to invite representations on the entire plan not comment on selected extracts.

The Sedlescombe PC consultation is undertaken by a form issued to every house in the village and available online and in the village shop (copy enclosed for RDC/MJH(1)) and asks only for an indication of general support for the plan or "COMMENT" on a list of selected policies or topics. For instance, there is no opportunity to make a representation on Policy 1, Spatial Plan of Parish or the proposal that all of Powdermills is to be within the development boundary. Whole swathes of the plan are not open to Representation because of the prescriptive nature of the form prepared by the Parish Council and approved at a full council meeting of 7 July 2016.

The Sedlescombe PC form for the 2014 Regulation 14 consultation was very different (copy enclosed for RDC/MJH(2)). Why was the format changed for the current consultation?

At an exhibition regarding the Neighbourhood Plan held in the village hall on the 31 July 2016 a board was displayed (No. 12) entitled " What we are asking you to do" (copy enclosed for RDC/MJH(3)). It is clear that only three options for support of the plan in general or comments about the "sites" were acceptable to the Parish Council in a clear and "brief" form. Again no opportunity is given for REPRESENTATIONS on the plan as a whole, as required under Regulation 14. It would appear that the format/content of the exhibition was not approved at a properly convened council meeting, a legal requirement of any council decision.

Paragraph 49 of the Government's Planning Practice Guidance - Consulting on, and publicising, a neighbourhood plan or order states "*It is not appropriate to consult on individual policies for example.*"

In addition the Parish Council Form is unacceptable in the following respects:-

Support of/ comments on matters NOT appearing in the plan are sought (eg "Financial contribution to the costs of providing a pedestrian crossing in the village or of providing parking facilities at the multi-use games area" as a benefit to the community relating to Sunningdale).

"Target Housing Sites" and "Other Housing Sites and Green Spaces" are not terms used in the Plan.

The space on the form for "Comments" (should be Representations) is very small and there is no option given for expansion of submissions on additional sheets of paper.

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It is clear that the Parish Council should withdraw the current limited consultation with immediate effect. Without a valid Regulation 14 consultation Rother DC will not be able to accept the draft plan to proceed with its Regulation 16 procedure. In the event of the draft Plan reaching the Examiner, without an acceptable Regulation 14 consultation, he/she has a duty to ensure that the correct procedures for preparing the Plan have been adhered to and thus would be bound to refuse to consider the Plan.

Schedule 4B to the Town and Country Planning Act 1990 para 8(2) lists the basic conditions that the Examiner must consider including "(g) *prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.*"

Referring now to the current Street Farm Brede Lane Planning Application. Prior to 17 July 2016, a flyer was delivered to households imploring residents to object to the application. This was enclosed with the Sedlescombe PC Bulletin (copies of both enclosed for RDC/MJH(4)&(5)) and the NP consultation form. The flyer was written by the Chairman of Sedlescombe Parish Council on Sedlescombe PC headed paper. There had been NO prior PC meeting to discuss the Planning Application and therefore no decision by the "body corporate" as to the action to be taken on the application. Under whose authority was this flyer produced and delivered? Surely it is law that any council decision has to be made in a properly convened Full Council or Executive Committee meeting. Is it not unlawful to delegate decisions to Councillors outside a meeting, or indeed for Councillors to make decisions and act individually (Local Government Act 1972)?

The SPC Code of Conduct 2012 para 18 states "*Bias or predetermination can lead to problems. It is where a councillor is closed to the merits of any arguments relating to a particular issue, such as an application for planning permission, and makes a decision on the issue without taking them into account. Councillors must not even appear to have already decided how they will vote at the meeting, so that nothing will change their minds.*"

Finally it is understood that residents in selected areas of the village have been handed pre-composed typed letters of objection to the Brede Lane application to be signed by them and then dispatched to Rother DC. Looking on the Rother DC website it is obvious that most of the objection letters seem to have emanated in this way. Perhaps you can shed light on who is behind this operation? If it has been arranged by a Parish Councillor, how does this sit with the Code of Conduct (see above) and 7 Principles of Public Life adopted by Sedlescombe PC and the legality of actions being taken without a Parish Council meeting?

In summary it would seem the current neighbourhood plan consultation is not valid under Regulation 14 and that decisions/ actions have been taken by a parish councillor(s) without a decision at a properly convened meeting. Breaches of the SPC published Code of Conduct may also have been made. All very serious matters.

Please reply at your earliest convenience as the above is most concerning. Please do not reply under a Private and Confidential caveat. Needless to say the reply should be discussed and agreed at a properly convened full council meeting.

Yours sincerely

Encs. For RDC/MJH only
SPC Neighbourhood Plan Consultation Form 2016 (1)
SPC Neighbourhood Plan Consultation Form 2014 (2)
SPC Exhibition 31 July 2016 Board No 12 (3)
SPC Flyer re Brede Lane Planning Application (4)
SPC Bulletin (5)